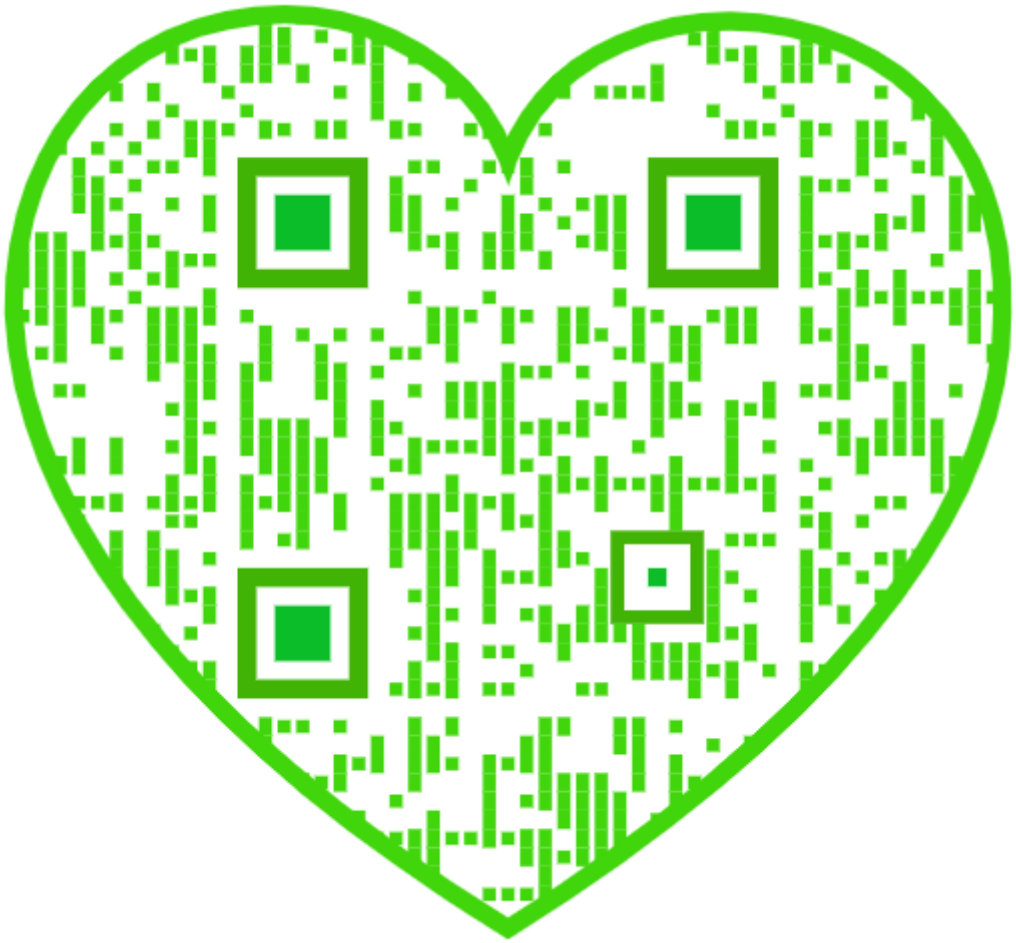

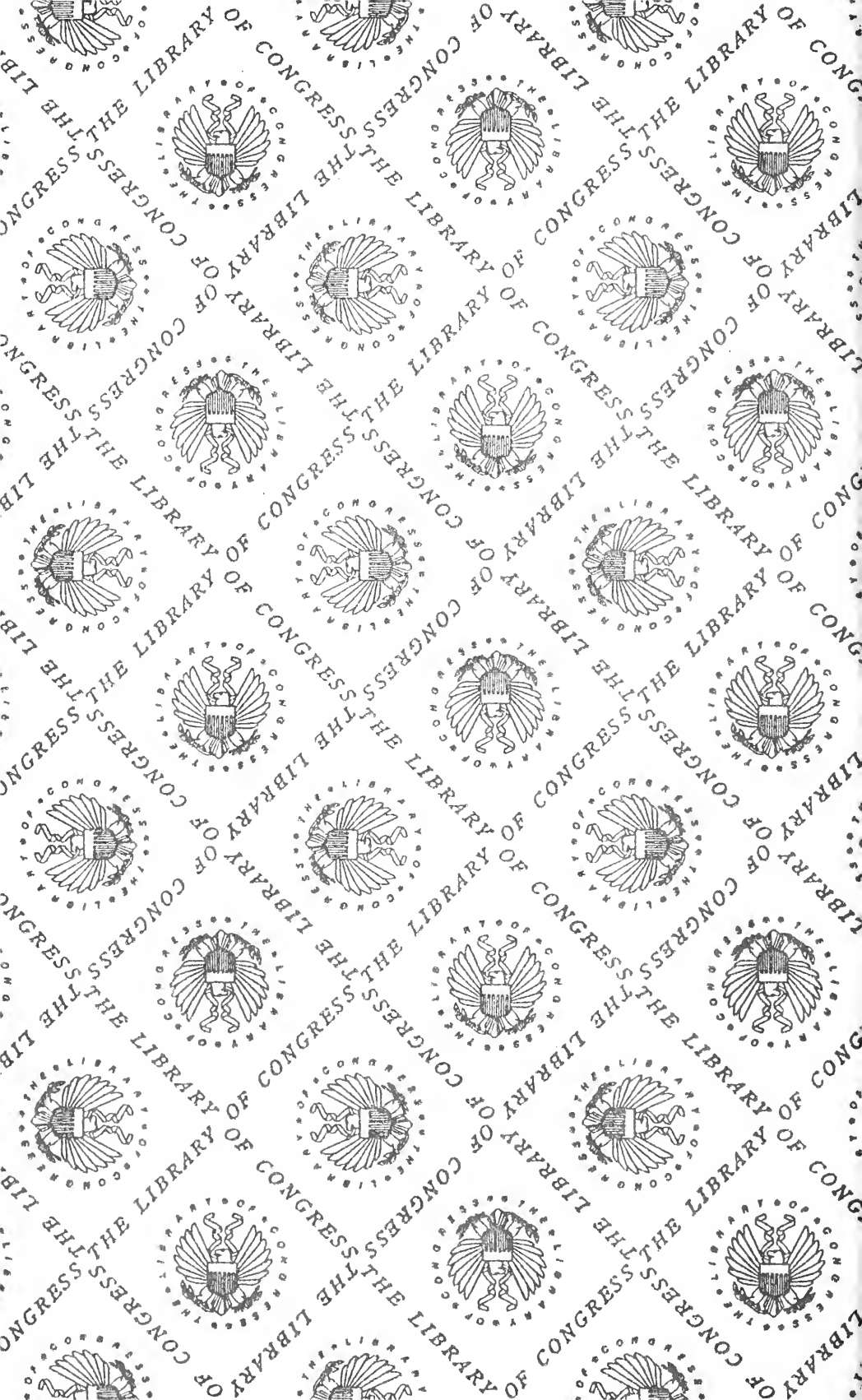
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OUTLINES OF CIVICS

BEING A SUPPLEMENT TO

BRYCE'S "AMERICAN COMMONWEALTH," ABRIDGED EDITION

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OUTLINES OF CIVICS

Being a Supplement to

Bryce's "American Commonwealth," Abridged Edition

FOR USE IN

HIGH SCHOOLS AND COLLEGES

BY

FREDERICK H. CLARK

HEAD OF HISTORY DEPARTMENT, LOWELL HIGH SCHOOL
SAN FRANCISCO, CAL.

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INTRODUCTION

THERE is great need — never so urgent as at this moment — that our public schools should afford more and better instruction in the true principles of democracy. A new and loftier ideal as to the aim and character of such instruction must be set up. The very existence of the free public school, whether of primary, secondary, or university grade, is evidence that American sentiment recognizes the fact that the state must educate her children as a safeguard to herself. Yet it is remarkable that very small space, relatively to other studies in the curriculum, has hitherto been assigned to the study of history, civics, or civil government, — the subjects, of course, which are best fitted to give the youth some direct training for the duties of citizenship. Moreover, such instruction as has been given has commonly been of the poorest sort. Too often the teacher has at best but a vague conception of the nature or of the possibilities of the task he is undertaking. With few exceptions, text-books are radically defective. The discussion is meagre and fragmentary; little effort is made to give adequate criticism or comparison; and the proper apparatus to develop right methods is lacking.

It is indeed high time that stronger meat were put before the pupils of the secondary school. In history, especially, the text-book maker and the teacher have

usually aimed quite too low. In the attempt to "simplify" they have written down or stooped to the supposed capacity of the pupil. Instead of putting the youth's faculties under a healthy strain, instead of lifting his thought to the highest possible level of attainment, the subject has been deliberately rendered juiceless and devoid of living interest, even when not made utterly distasteful. If this be a grave mistake in the historical field generally, it is positively inexcusable in civics and civil government. The boy or girl of high school age, particularly the American boy or girl, shows a surprising avidity and capacity in seeking and mastering the salient facts of contemporary political and civic life. The youth who without guide or stimulus eagerly reads the political articles in the daily newspaper, and who enters with zeal into the issues of a presidential campaign, is capable of grappling with the same problems when systematically presented in the schoolroom.

Again, if popular education is really to be the safeguard of the Republic, it is absolutely necessary that instruction in the principles of democracy should be broad and free. There must be luminous comparison and fearless criticism. It is but a false and dangerous patriotism which is born of self-flattery and nourished on national conceit. It is a perilous love of country which is blind to the country's faults. In the schoolroom, it is true, the examination of our institutions and our political methods should be sympathetic; but it must be frank and true, if it is to make for a higher ideal of citizenship.

It was a happy thought on the part of the publishers to prepare an abridged edition of Bryce's Commonwealth for use mainly in secondary schools. Bryce's

work has the two qualities already suggested as essential in a modern text-book. It presents a broad, critical, sympathetic examination of the plain facts of our national and local life, such as only the trained scholar and practical statesman can give. To the American citizen it is emphatically an "epoch-making" book, for it has become a centre of influence for good in our political life. We have instinctively deferred to the judgments of the wise observer who has looked at us from the outside, and in them the reformer and the honest thinker have found encouragement and support. Furthermore, the analysis of the book is so clear, the diction so pure and simple, and the style so interesting, that every page will appeal almost as readily to the comprehension of the young as it does to the mind of the experienced man of affairs.

Yet to make the American Commonwealth in the highest degree serviceable for school purposes, it was necessary that the text should be supplemented in two ways — it must have an historical setting, and it must be supplied with an efficient scientific apparatus. To provide these aids has been the aim of Mr. Clark, and he has well performed his difficult labor. In the first place, he has perceived, as the experienced modern teacher must perceive, that it is the emphasis of the element of growth, of development, which has converted a task, too frequently as dry and repulsive as it is profitless to the pupil, into a living, fascinating study. A series of historical topics is therefore planned. These are wisely selected in such a way as to disclose to the student the social processes through which the existing local and central organizations have become what they are. Indeed, Mr. Clark's "Supplement" will appeal to the high

school and the college teacher, especially as an aid in the carrying out of the library and source methods. How very urgent is the need of seizing every opportunity to secure a reform in the prevailing methods of teaching history and civics in the secondary schools throughout the country, is too little appreciated by educators. A single fact is significant. Although at least one western state, Nebraska, had for several years distinguished herself by successfully maintaining a teachers' organization for the purpose of promoting better historical methods, it was not until 1897 that, simultaneously on the opposite shores of the Republic, a similar movement was begun among the teachers of New England and California.

Mr. Clark has skilfully carried out his design of supplying an efficient working method in various ways: by assigning interesting studies on the map; by reprinting important documents, in full or in summary, and planning work based upon them; by copious and carefully selected historical references throughout the book; and especially in the opportunities afforded for the study of state and local institutions, not only in theory, but also in their practical workings. The author has rendered a distinct service to society, for which every friend of the cause of civic education and social righteousness will be grateful.

GEORGE ELLIOTT HOWARD.

STANFORD UNIVERSITY,
June 27, 1899.

SUGGESTIONS FOR USE

A FEW words of general advice in regard to the use of this book may be offered here. It is planned to accompany Bryce's American Commonwealth in the hands of pupils as a text-book. It will, however, be found serviceable in the study of American institutions from any source whatever, inasmuch as all of the work, except the "Topics" upon the Bryce chapters, can be used with any text-book.

Although this book has been prepared with particular reference to California, it will be found useful in any other state as well. With Bryce in the hands of pupils as a text-book, all the work outlined herein can be carried out anywhere in the Union. Outside of California the only modification needed will be that teachers supply the proper material from their own states, to take the place of the facts and summaries printed herein from California documents.

This book takes for granted access to a library and the use of books. For the most valuable books in this line for a high school library teachers are referred to the lists given in Channing's Students' History of the United States, which should itself be the first book purchased. But an ever increasing degree of helpfulness in education is to be expected from public libraries. Take a copy of this book to the librarian of your public library, and

obtain the library numbers for all the books referred to herein. Then have the pupils enter these numbers in their own books after each title in the reference lists. In this way the use of the library will be facilitated, and the library and the school will be brought into closer coöperation.

In the reference lists that follow, books are arranged so far as possible in the order of their adaptability to the use of high school pupils. In the specific references, Roman numerals following the title indicate the volume; chapters or sections are designated by Roman numerals, lower case; pages are indicated by Arabic numerals.

If your public library is not a depository of government publications, a little interest in this direction will be amply repaid in the acquisition of valuable material from both state and national documents. Congressmen and officials generally are glad to respond to requests from the schools. Constant effort is the price of progress in teaching, as it is everywhere.

FREDERICK H. CLARK.

SAN FRANCISCO, CALIFORNIA, June, 1899.

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PART I

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Topics for individual or class study with library references and some documentary material. In addition to the references given, see also throughout

School Histories of the United States,

and for further bibliographies:

Channing and Hart. Guide to American history.

Channing. Students' history of the United States.

Gordy and Twitchell. Pathfinder in American history.

Thwaites. Colonies, Notes at heads of chapters.

Hart. Formation of the union, Notes at heads of chapters.

Fisher. Colonial era, App.

Davidson. Reference history of the United States.

Winsor. Narrative and critical history of America.

CHAPTER I

THE REGION AND CIRCUMSTANCES OF EARLY SETTLEMENT

Physical geography of the eastern side of the continent; natural entrances; harbors; facts in regard to soil, climate, and vegetation; motives of settlers; their plans, mistakes, and successes.

1. Maps

MacCoun. Historical geography of the United States.

Hart. Epoch maps illustrating American history.

Thwaites. Colonies. (Epochs of American history.) *Maps.*

Labberton. New historical atlas — American history.

Hinsdale. Old northwest, Maps iv–ix.

Channing. Students' history of the United States.

See also section 2, below.

2. Brief Accounts of Early Settlements

(Channing and Hart. Guide. §§ 97–123.)

Thwaites. Colonies, chs. i, iii, iv, vi, ix.

Fisher. Colonial era, chs. i, iv–x. *Maps.*

Ludlow. War of American independence, 22–54. *Maps.*

Doyle. United States, chs. iii–vi, x–xiv. *Maps.*

Andrews. United States, I: 31–61, 103–109. *Maps.*

Channing. Students' history of the United States, chs. ii, iii.

Hinsdale. Old northwest, chs. vi, vii (record of land grants).

Smith. Romance of colonization, chs. ix–xiii.

Willoughby. Government of the United States, ch. iv.

Elliot. Debates, I: 22–42.

Hart. American history told by contemporaries, I: pts. iii–vi (sources).

Toner. Colonies of North America. (In Report American Historical Association, 1895: 558–592.)

See also histories of particular states, as the following of the American Commonwealth Series.

Cooke. Virginia, pt. i.

Browne. Maryland, chs. i–iv (proprietary rule).

Johnston. Connecticut, chs. i–ix (charter government).

Roberts. New York, vol. I (Dutch settlement).

Other Special Works

Fiske. Old Virginia and her neighbors.

Fisher. Making of Pennsylvania.

Lowell Institute lectures. Massachusetts and its early history.

Northend. The Bay colony.

Fiske. Beginnings of New England.

Drake. Making of New England.

Arber. Story of the Pilgrim Fathers, esp. 399, etc.

Goodwin. Pilgrim republic.

For reprints of colonial charters see :

Preston. Documents illustrative of American history.

Poore. Charters and constitutions.

Porter. United States constitutional history.

3. Extended Histories of the Colonies

Eggleston. Beginners of a nation.

Lodge. English colonies in America.

Doyle. British colonies in America.

Winsor. America, III : chs. v, viii–xiii ; IV : chs. viii, ix.

Bancroft. United States. Last revision, vol. I.
Hildreth. United States, vols. I, II.
Grahame. Colonial history of the United States, vol. I.
Bryant and Gay. Popular history, I: chs. xi–xxi.

4. Elements of Colonial Population

(Channing and Hart. Guide. § 145.)

The various European nationalities represented in American settlement; numbers of immigrants and distribution along the Atlantic seaboard.

Lodge. English colonies in America.
Channing. United States, 1–20.
Montgomery. Student's American history, 143–145.
Thwaites. Colonies, chs. v, viii, x.
Sloane. French war and the revolution, 9, 15–19.
Hart. Formation of the union, 3–5.
Andrews. United States, I: 123–125.
Fisher. Making of Pennsylvania.
Fiske. Old Virginia and her neighbors.

CHAPTER II

LINES OF GROWTH IN COLONIAL TIMES

(See also Extended Works, under Chapter I; and Channing and Hart. Guide. §§ 99, 108, 130.)

1. Territory

See maps as above, Chapter I, section 1.
Thwaites. Colonies, 282–284.
Sloane. French war and the revolution, ch. iii.

Channing. Students' history of the United States, ch. iv.
Hart. Formation of the union, 2–3, 34–37.
Hinsdale. Old northwest, esp. chs. v, viii.
Parkman. Montcalm and Wolfe, II: 20–35.
Winsor. Mississippi basin, ch. viii, etc.
Roosevelt. Winning of the West, I (1769–1776).
Fiske. Old Virginia and her neighbors, I: ch. xvii. *Maps.*

2. Industry and Trade

Sheldon-Barnes. American history, 125–130.
Thwaites. Colonies, *passim.*
Hart. Formation of the union, 18–19.
Andrews. United States, I: 131.
Montgomery. Student's American history, 150–153.
Lecky. England in the eighteenth century, II: 8–21.
Grahame. Colonial history, II: 90–108, 336–346.
Pitkin. United States, I: 93–106.
Scott. Constitutional liberty, ch. viii.
Hart. American history told by contemporaries, pts. ii, iv (sources).

Extended Works

Weeden. Economic and social history of New England. 2 vols.
Bruce. Economic history of Virginia. 2 vols.
Beer. The commercial policy of England toward the American colonies. (In Columbia College Studies, III: No. 2.)
Lord. Industrial experiments in the British colonies of North America. (Johns Hopkins University Studies, extra vol. XVII.)

3. Culture and Social Progress

(Channing and Hart. Guide. § 148.)

Fisher. Colonial era, ch. xxi (literature).

Thwaites. Colonies, *passim*.

Lodge. English colonies in America.

Fiske. Old Virginia and her neighbors, II: ch. xiv.

Hart. Formation of the union, 17–18.

Channing. United States, 21–24.

Channing. Students' history of the United States, 143–147.

Weeden. Economic and social history of New England, II: chs. xiv, xv, parts.

Scott. Constitutional liberty, chs. v–vii.

McMaster. People of the United States, I: ch. i.

Montgomery. Student's American history, 153–160.

Andrews. United States, I: 125–135.

Bancroft. United States. Last revision, II: 389–407.

Hart. American history told by contemporaries, II: pts. ii, iv (sources).

Special Topics

Earle. Sabbath in Puritan New England.

Earle. Customs and fashions in old New England.

Earle. Colonial days in old New York.

Earle. Curious punishments of bygone days.

Earle. Diary of Anna Green Winslow.

Earle. Margaret Winthrop.

Hallowell. Quaker invasion of Massachusetts.

Ellis. Puritan age in Massachusetts.

Scudder. Men and manners in America a hundred years ago.

Bliss. Quaint Nantucket.
Bliss. Colonial times on Buzzard's Bay.
Bliss. Side glimpses from the colonial meeting-house.

See also lists in Channing, Students' history of the United States, pp. 58 and 103, under "Illustrative material."

Sheldon-Barnes. American history (supplementary reading lists).

4. Political Institutions

(Channing and Hart. Guide. § 147.)

Channing. United States, 26–40.
Channing. Students' history of the United States, chs. ii, iii, *passim*.
Hart. Formation of the union, 5–17.
Fisher. Evolution of the constitution, chs. ii, iii.
Crane and Moses. Politics, chs. viii, ix.
Hinsdale. American government, ch. ii.
Stevens. Sources of the constitution, chs. i, iv.
Schouler. Constitutional studies, 9–28.
Morris. Half-hours with American history, I: 380–396.
Frothingham. Rise of the republic, 13–28.
Smith, Goldwin. United States, ch. i.
Lecky. England in the eighteenth century, II: 1–8.
Wilson. The state, 449–469.

Special Topics

Bishop. History of elections in the American colonies. (In Columbia College Studies, III: No. 1.)

Morey. Genesis of a written constitution. (In Annals of American Academy, I: 529–557.)

Osgood. Classification of American colonial governments. (In Report Amer. Hist. Assn., 1895: 615–627.)

Hazeltine. Appeals from colonial courts. (In Report Amer. Hist. Assn., 1894: 299–350.)

Hart. American history told by contemporaries, II: pt. iii.

Poore. Charters and constitutions (copies of charters and grants).

Gather the results of the foregoing studies of Chapters I and II together in a written paper in the following form:

TOPICAL REVIEW

Beginnings of the American People

Write briefly but comprehensively upon each of the following topics:

1. The regions of early settlement.
2. Elements of early population.
3. The lines of territorial extension.
4. Growth in industries and wealth.
5. Culture and social progress.
6. Political institutions.
   - *a*. Of local government (towns and counties).
   - *b*. The colonial governments (general form).

Subjects for Essay Work

1. Colonial life as a preparation for self-government.
2. The value of the charters.
3. English and French colonization compared.

CHAPTER III

FORMATION OF THE UNION

1. Instances of Union and Common Action

Frothingham. Rise of the republic, esp. chs. iii, iv.
Hinsdale. American government, 69–71.

See also narrative histories referred to in Chapter II, particularly for the record of colonial wars; and,
Bryant and Gay. Popular history, vols. I and II.
Hildreth. United States, vol. II.
Bancroft. United States. Last revision, vols. II, III.

The New England Confederation

This was formed in 1643 by the colonies of Massachusetts, Plymouth, Connecticut, and New Haven in accordance with written articles drawn up by committees which met in Boston. The text of the articles is printed in,
American history leaflets, No. 7.
Hinsdale. American government, 424–430.
Preston. Documents, 87–95.

The title is "The Articles of Confederation between the Plantations under the Government of the Massachusetts; the Plantations under the Government of New Plymouth, the Plantations under the Government of Connecticut, and the Government of New Haven with the Plantations in Combination therewith." These parties "jointly and severally do by these presents agree and conclude that they all be and henceforth be called by the name of the United Colonies of New England." The organization of the confederation is determined in

article 6, as follows: "It is also agreed, that for the managing and concluding of all affairs proper, and concerning the whole Confederation, two Commissioners shall be chosen by and out of each of these four Jurisdictions: namely, two for the Massachusetts, two for Plymouth, two for Connecticut, and two for New Haven, being all in Church-fellowship with us, which shall bring full power from their several General Courts respectively to hear, examine, weigh, and determine all affairs of our war, or peace, leagues, aids, charges, and numbers of men for war, division of spoils and whatsoever is gotten by conquest, receiving of more Confederates for Plantations into combination with any of the Confederates, and all things of like nature, which are the proper concomitants or consequents of such a Confederation for amity, offence, and defence: not intermeddling with the government of any of the Jurisdictions, which by the third article is preserved entirely to themselves."[1] Full provision is made for meetings at least once a year on the first Thursday in September, in rotation at Boston twice, Hartford, New Haven, and Plymouth, and for the transaction of business. The Confederation lasted till 1684. "The Acts of Commissioners of the United Colonies of New England" may be found in Records of the Colony of New Plymouth, vols. IX, X.

References on the New England Confederation

(Channing and Hart. Guide. § 124.)

Frothingham. Rise of the republic, ch. ii.
Hildreth. United States, I: 285–288.

[1] Spelling has been modernized.

Hinsdale. American government, 424–430.
Bancroft. United States. Last revision, I: 289–300.
Channing. Students' history of the United States, 92–95.
Fiske. Beginnings of New England, ch. iv.

Questions. — What spirit is shown in the Confederation? Why was it not likely to be permanent? What is its historical significance? What right did the colonies have to enter it?

2. Plans of Union, 1643–1760

List of Plans

(From Carson. One Hundredth Anniversary of the Constitution, II: 439.)

1643. New England confederation.
1660. Charles II created a Council for Foreign Plantations.
1667. Maryland invited Virginia to join with herself and New York in a treaty with the Seneca Indians, and in August a conference was held at Albany.
1682. Culpepper, governor of Virginia, proposed that no colony should make war without the concurrence of Virginia, and eight or ten years later Governor Nicholson advocated a federation.
1684. Conference at Albany with the Five Nations, attended by delegates from Virginia, Maryland, New York, and Massachusetts.
1685–8. James II tried to annul all charters and bring all colonies between the Delaware and the St. Lawrence under the government of a council and Andros as captain-general.
1689. Proposed in New England to renew the confederation of 1643.

1690. Massacre of Schenectady prompted the General Court of Massachusetts to invite New York, Virginia, Maryland, and all parts adjacent to Connecticut and New York to meet in a conference at New York. Meeting was held, and it was agreed to raise troops.

1693. Governor Fletcher of New York, by order of the king, called a conference of the colonies at New York. Small attendance and nothing done.

1694. Number of troops settled by the English government and Fletcher made commander.

1696/7. Feb. 8. Unsatisfactory colonial relations prompted William Penn to present plan of union to the Lords of Trade.

1696/7. Feb. 25. Lords of Trade (or Board of Trade) presented plan of union to the king, and the king appointed Richard, earl of Bellomont, captain-general and governor of New York and territories depending thereon in America.

1698. Plan of union submitted by Charles d'Avenant.

1701. Plans of Penn and d'Avenant criticised by a Virginian, who also published a plan of his own.

1701. Robert Livingstone of New York submitted a plan to the Lords of Trade.

1721. Earl of Stairs proposed a plan for better government over "all the continent of West Indies."

1721. Lords of Trade submitted a plan on colonial affairs.

1722. Daniel Coxe of New York published a plan in "A Description of the English Provinces of Carolina."

1751. Archibald Kennedy proposed a yearly meeting of commissioners for dealing with Indian affairs.

1754. Franklin's plan offered at Albany conference. Franklin says that other plans were offered. Franklin's plan was submitted to a committee of the Massachusetts Assembly and to the Lords of Trade.

1760. Dr. Samuel Johnson, president of King's College, New York, sent suggestions to the Archbishop of Canterbury, which were printed in the London Magazine.

References on Plans

American history leaflets, No. 14.
Frothingham. Rise of the republic.
Fisher. Evolution of the constitution, chs. vi, vii.
Bancroft. Formation of the constitution, I: 6–10.
Hart. Formation of the union, 28–30.
Channing. United States, 38–39.
Schouler. Constitutional studies, 70–78.
Hinsdale. American government, 69–72.

Questions. — What is the longest period of years without a record of some plan of union? What is the significance of the large number of plans? Was the need of union recognized in England as well as in America? What seem to be the most prominent of the motives for colonial union? Would a general government have been an advantage?

Penn's Plan of Union

This provided for a congress, composed of two delegates from each colony, to meet at least once in two years in the most central place. A King's commissioner was to preside, who, in case of war, was to be commander-in-chief. The congress was to settle all com-

plaints between province and province, prevent injuries to commerce, and consider ways and means for the support of the union and safety of the provinces.

Text of Penn's Plan

Hinsdale. American government, 431–432.
Preston. Documents, 146–147.
American history leaflets, No. 14.

References on Penn's Plan

Frothingham. Rise of the republic, 110.
Bancroft. United States. Last revision, II: 74–75.
Hildreth. United States, II: 198.

Franklin's Plan of Union

This provided for a general government by a president-general, appointed by the Crown, and a grand council of 48 members, appointed among the colonies in numbers from 2 to 7, and chosen by the colonial legislatures. The council was to meet annually at some central place, as Philadelphia. The council and the president-general were to have power to make treaties with the Indians, to regulate trade with them, to buy land of them and control new settlements, to raise and equip soldiers, build forts, and equip vessels for coast and river guard, to levy taxes, and to make all necessary laws for these purposes. All laws were to be as agreeable as might be to the laws of England, and were to be sent to the King in Council for approbation.

Text of Franklin's Plan[1]

Preston. Documents, 171–187.
Hinsdale. American government, 433–437.
Sparks. Franklin's writings, IV: 200.
Sparks. Life of Franklin, ch. x.
Bigelow. Works of Franklin, II: 355.
Old South leaflets, No. 9.
American history leaflets, No. 14.

Description of Franklin's Plan

Bancroft. United States. Last revision, II: 387, 388.
Hildreth. United States, II: 443.
Frothingham. Rise of the republic, 136.
Bryant and Gay. United States, III: 261.

Questions. — What points are similar in Penn's plan and Franklin's? In what points is Franklin's plan the more perfect? Was Franklin's plan well suited to the needs of the time? How did it happen that it was submitted to a conference at Albany? The location of Albany? Why was the conference held at Albany? What was the reception of the Albany plan among the colonies? in England? Was a colonial union practicable under English auspices?

3. Obstacles in the Way of Union

Channing. United States, 24–25.
Andrews. United States, I: 157–158.

[1] On July 21, 1775, Franklin submitted a second plan of union for "The United Colonies of North America" to the Congress at Philadelphia, which served as a suggestion for the Articles of Confederation. See American History Leaflets, No. 20, for the text of this plan; and Bancroft. United States, IV: 243, 244, for a summary.

Grahame. Colonial history of the United States, II: 347.

4. English Legislation after 1763, and its Political Effects in America

(Channing and Hart. Guide. §§ 134, 135.)

Brief Accounts

Hart. Formation of the union, ch. iii.

Channing. United States, ch. ii.

Channing. Students' history of the United States, ch. iv.

Hosmer. Anglo-Saxon freedom, ch. xiii.

Sloane. French war and revolution, chs. x–xiv.

Winsor. America, VI: ch. i.

Morris. Half-hours with American history, I: 399–444.

Bryant and Gay. United States, III: chs. xiii, xiv.

Lodge. English colonies in America, ch. xxiii.

Fiske. Critical period, ch. ii.

Fiske. American revolution, I: ch. i.

Young. American statesmen, ch. ii.

Willoughby. Government of the United States, ch. v.

Ludlow. American independence, ch. iii.

Hart. American history told by contemporaries, II: chs. xxi, xxiii–xxv (sources).

American history leaflets, No. 19 (Navigation Acts); No. 21 (The Stamp Act).

Extended Discussion

Frothingham. Rise of the republic, chs. v–ix.

Hildreth. United States, II: chs. xxviii, xxix.

Bancroft. United States. Last revision, vol. III.

Hamilton. United States, I: chs. i–iii.
Scott. Constitutional liberty, chs. ix–xi.
Pitkin. United States, I: chs. vi–viii.
Grahame. Colonial history, II: bk. xi.
Lecky. England in the eighteenth century, III: ch. xii.
Sparks. Life of Franklin, chs. iv–viii.
Force. American archives, III Series (documents, both English and American, for the period, 1763–1774).

Questions. — What was the purpose of the English legislation? Was it unfriendly to America? Make a chronological outline of the Acts of Parliament touching America, 1763–1775. Also one of the measures for defence on the part of the Americans.

The Non-Importation Agreement

The Townshend revenue acts of 1767 were followed immediately by agreements among Americans not to import or purchase merchandise from England. The agreement adopted by the Boston town-meeting is given as follows in Sheldon-Barnes' American History, 139:

"We therefore the Subscribers, . . . Do promise and engage that we will not . . . purchase any of the following Articles, imported from Abroad, viz.: *Loaf Sugar, . . . Coaches, . . . Mens and Womens Hatts, and Womens Apparel ready made, Household Furniture, Gloves, Mens and Womens Shoes, Clocks and Watches, Silversmiths and Jewellers ware, Broad Cloths that cost above 10s. a Yard, . . . all Sorts of Millinery Ware, Fire Engines, China Ware, Silk and Cotton velvets, Lawns, Cambricks, Silks of all Kinds for Garments, Malt Liquors, and Cheese.*"

This popular movement of non-importation throughout

the colonies culminated in a formal declaration of the Continental Congress. The following summary is taken from Force, American archives, IV Series, I: 914–916:

Plan of Association

(For carrying into effect Non-importation, signed in Congress October 20, 1774.)

To obtain redress for grievances, a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable means.

We do for ourselves, and the inhabitants we represent, firmly agree and associate as follows:

1. That we will not import any goods into British America from Great Britain or Ireland after December 1 next, nor any East India tea from any part of the world; nor any Molasses, Syrups, Paneles, Coffee, or Pimento from the British Plantations or Dominica; nor Wines from Madeira or the Western Islands, nor Foreign Indigo.

2. Neither import nor purchase slaves.

3. A non-consumption agreement not to purchase any of the above articles if imported.

4. A non-exportation agreement; but in order not to cause undue suffering, the time of taking effect is extended to September 10, 1775. After this date nothing will be exported to Great Britain, Ireland, or the West Indies. An exception is made of Rice to Europe.

5. Merchants will give proper orders to agents abroad.

6. Owners of vessels will give proper orders to their captains.

7 and 8. Home industries are to be promoted.

9. Merchants agree not to take advantage of scarcity to raise prices.

Committees in every County, City, and Town are to observe the conduct of all who have entered this Association, and are authorized to publish the names of those who transgress.

For further material on the Non-importation agreements consult the references given above in this section.

Questions. — 1. Was non-importation a powerful weapon? 2. Did it produce the effects expected? 3. What is the political importance of this agreement? 4. What place would you give to it in the formation of the Union?

5. Principles of the Revolution

(Selection from the Declaration of Rights of the "Stamp Act Congress" at New York, 1765.)

The Congress upon mature deliberation agreed to the following declarations: That His Majesty's liege subjects, in these colonies, are entitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great Britain; that it is inseparably essential to the freedom of a people and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives; that the only representatives of the people of these colonies are persons chosen therein by themselves; that trial by jury is the inherent and invaluable right of every British subject in these colonies; that the restriction imposed by the several late acts of Parliament on the trade of these colonies will render them unable to purchase the manufactures of Great Britain.

Full Text of Above Declaration

Preston. Documents, 189–191.
Hinsdale. American government, 438–439.

(Selections from the Declaration of Rights of the Continental Congress at Philadelphia, 1774.)

Whereas, since the close of the last war, the British parliament claiming a power of right, to bind the people of America by statutes in all cases whatsoever, hath, in some cases expressly imposed taxes on them, and in others, under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county; and whereas judges have been made dependent on the crown alone for their salaries, and standing armies kept in time of peace; and whereas it has lately been resolved in parliament that colonists may be transported to England, and tried there upon accusations for treasons, and such trials have been directed; and whereas in the last session of parliament three statutes were made, all which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights; and whereas assemblies have been frequently dissolved, contrary to the rights of the people, and their dutiful, humble, loyal, and reasonable petitions have been repeatedly treated with contempt by his majesty's ministers of state:

The good people of the several colonies have severally elected deputies to meet in General Congress in the city of Philadelphia. Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, do as Englishmen their ancestors in like cases have usually done, for effecting and vindicating their rights and liberties, DECLARE:

That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS:

That they are entitled to life, liberty, and property; that our ancestors, who first settled these colonies, were entitled to all the rights, liberties, and immunities of free and natural born subjects within the realm of England; that by such emigration they by no means forfeited, surrendered or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy; that the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council, and as the English colonists are not represented, and from their local and other circumstances, cannot properly in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures in all cases of taxation and internal polity; that the respective colonies are entitled to the common law of England; that they have a right peaceably to assemble, consider their grievances, and petition the king; that the keeping a standing army, in these colonies, in times of peace is against law.

Full Text of the Declaration

Preston. Documents, 193–198.

Story. Exposition of the constitution, App.

Hinsdale. American government, 440–444.

Questions. — Make a summary of American principles as set forth in above Declarations. Can the revolution be regarded as the defence of these principles? Was it so regarded at the time? Were there other causes? Would separation from England have taken place even if these principles had not been attacked? Did Americans wish to send representatives to Parliament?

References for Further Material

(See also Channing and Hart. Guide, § 134.)

Niles. Principles and acts of the revolution (documents).

Hart. American history told by contemporaries, II: pt. vi (sources).

Goodloe. Birth of the republic (documents).

Norris. Half-hours with American history, 414–425 (Franklin's examination before the parliamentary committee).

The same may be found in Franklin's works.

Small. Beginnings of American nationality. (In Johns Hopkins University Studies, VIII: Nos. i, ii.)

Woodburn. Causes of American revolution. (In Johns Hopkins University Studies, X: No. vii.)

Boutwell. Constitution at the end of the first century, 137–157.

Tyler. Literary history of the American revolution, 2 vols. (esp. work of leading statesmen).

Force. American archives, IV Series (documents for period, 1774–1776).

PERSONAL ILLUSTRATION

Much valuable material upon the principles of the Revolution may be found in the biographies of the great leaders. The following are published in the American Statesmen Series. See Channing and Hart, Guide, § 135, for additional biographies.

Hosmer. Samuel Adams.
Tyler. Patrick Henry.
Morse. John Adams.
Morse. Benjamin Franklin.
Morse. Thomas Jefferson.

6. Independence and Union

(Channing and Hart. Guide. § 137.)

Study of the Declaration of Independence in connection with the foregoing; discussion as to why independence was necessary; estimate of the reality of the Union, and statement of the new political problems arising from independence.

TEXT OF THE DECLARATION OF INDEPENDENCE

American history leaflets, No. 20.
Preston. Documents, 211–215.
MacDonald. Select documents, No. 1.
Hinsdale. American government, 450–453.
Boutwell. Constitution at the end of the first century, 1–8.
School histories of the United States.

References on the Period

Channing. United States, 83–87.

Channing. Students' history of the United States, ch. v.

Hart. Formation of the union, 83–87.

Sloane. French war and the revolution, chs. xviii, xix.

Frothingham. Rise of the republic, chs. x, xi.

Winsor. America, VI : ch. iii.

Stevens. Sources of the constitution, 30–34.

Andrews. United States, I : 171–180.

Elliot. Debates, I : 42–60.

Hildreth. United States, III : 130–137.

Bancroft. United States. Last revision, IV : chs. xx–xxviii.

Hamilton. United States, I : ch. iv.

Questions. — What authority had the Congress to adopt the Declaration of Independence? Is the Fourth of July the birthday of one nation or of thirteen? Is there any evidence in the Declaration in regard to the preceding? Can you give instances of the acts with which George III is charged? Why is the king blamed and not Parliament? What theory of the origin of government is contained in the Declaration?

7. The Articles of Confederation and the History of the Period

The first attempt at solving the problem of a federal government; its failure revealed in the study of the plan itself, and by the history of the time.

Summary of the "Articles of Confederation and perpetual Union between the States of Newhampshire, Massa-

chusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia."

The confederacy is styled "THE UNITED STATES OF AMERICA." The states enter into a firm league of friendship for common defence, security of their liberties and general welfare, each state retaining its sovereignty, freedom, and independence, and every power not expressly delegated to the United States. The free inhabitants of each state are entitled to all privileges and immunities of free citizens in the several states, provision being made for the return of fugitives from justice from beyond a state. Full faith and credit must be given in each state to the records, acts, and judicial proceedings of every other state.

A Congress is established, composed of delegates appointed annually from each state in such manner as the state legislature directs; not less than two nor more than seven from each state, to serve not more than three years out of six and with power in the state of recall at any time. Congress is to assemble on the first Monday in September in every year. Each state maintains its own delegates, and on all questions "each state shall have one vote." Delegates enjoy freedom of speech and of debate, and are privileged from arrest.

Without the consent of Congress, no state can send or receive an embassy, enter into a treaty, lay any imports or duties which may conflict with treaties of the United States, engage in war unless actually invaded, grant commissions to ships of war or letters of marque and reprisal

unless after a declaration of war by the United States, or in case the state be infested with pirates. No vessels of war shall be kept in time of war by any state, nor any body of military forces, except such as shall be deemed necessary for defence or garrison by the United States; but every state must always keep a well-regulated militia. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel are to be appointed by the state legislature.

All charges of war and all other expenses incurred by the United States shall be defrayed out of a common treasury, to be supplied by the several states in proportion to the value of all land within each state granted to any person, the value and improvements to be determined as Congress may direct, and the taxes in each state to be levied by the legislature.

The United States in Congress assembled has the sole and exclusive right of determining on peace or war, of sending and receiving ambassadors, entering into treaties, of establishing rules in regard to captures on land or water and the division of prizes, of granting letters of marque and reprisal in times of peace, appointing courts for the trial of piracies and felonies committed on the high seas. An elaborate method is provided for deciding disputes between states concerning boundary, jurisdiction, or any other cause, by a method of arbitration, with the United States in Congress assembled as the last resort on appeal. Controversies concerning private right of soil claimed under different grants of two or more states shall take the same course on the petition of either party. The United States in Congress assembled also has the sole and exclusive right of regulating coinage by itself or by the respec-

tive states, of fixing the standard of weights and measures, of regulating trade and all affairs with Indians, not members of any state; of establishing and regulating post-offices from one state to another; of appointing and commissioning officers of land forces above regimental officers, and all officers of the naval forces; to make rules for land and naval forces and to direct their operations.

Furthermore, the United States in Congress assembled has authority to appoint a "Committee of the States," consisting of one delegate from each state which is to sit in the recess of Congress; to appoint other necessary committees and necessary civil officers; to appoint one of their number to preside, but for not more than one year in three; to ascertain the sums of money necessary for the service of the United States; to appropriate and apply the same; to borrow money on the credit of the United States, or to emit bills of credit; to build and equip a navy; to agree upon the number of land forces, and to make requisitions upon each state for its quota, in proportion to the number of white inhabitants therein, the same to be raised and equipped by the state and marched to the place and within the time appointed by the United States.

The assent of nine states in Congress is necessary for any act of engaging in war, granting letters of marque or reprisal, entering into treaties, coining money, ascertaining the sums of money necessary for the United States, emitting bills, borrowing money, appropriating money; agreeing upon the number of war vessels to be built or purchased, or the number of land or sea forces to be raised, or for appointing a commander-in-chief of army or navy. For all business a majority of states is neces-

sary, except that a minority may adjourn from day to day.

Congress shall have power to adjourn to any time within the year, but for no period of more than six months; shall publish its Journal, except parts relating to treaties, or military operations requiring secrecy. The yeas and nays shall be entered on the Journal when desired by any delegate. The Committee of the States shall have authority to execute such of the powers of Congress as by the consent of nine states in Congress it may be vested with, provided that this shall not include any of the powers for which the consent of nine states is requisite.

Canada may join the union by acceding to this confederation; but no other colony shall be admitted except by the agreement of nine states.

Every state shall abide by the determinations of the United States in Congress assembled.

"The articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state."

Full Text of the Articles of Confederation

American history leaflets, No. 20. (Contains the Franklin and Dickinson preliminary drafts.)

Boutwell. Constitution at the end of the first century, 9–22.

Preston. Documents, 219–230.

MacDonald. Select documents, No. 2.

Hinsdale. American government, 454–461.

Cooper. American politics, bk. iv.

Johnston. American politics, App.

Poore. Charters and constitutions, pt. i.

Elliot. Debates, I: 67–92 (text and proceedings of adoption).

Goodloe. Birth of the republic, 353, etc.

Fiske. Civil government, App.

And in many other text-books on civil government.

Proceedings of Adoption

(Curtis. Constitution of the United States, I: App. (acts of the several legislatures).)

1776. June 11. Two committees were appointed in the Continental Congress; one to draw up a declaration of independence, the other to formulate a plan of confederation.

July 4. Report of first committee adopted.

July 14. Report submitted by second committee, in the handwriting of John Dickinson, of Delaware, chairman.

1777. November 15. Adoption by the Congress of report with amendments, and the submission to the states for ratification.

1778. July 9. Delegates in the Congress from Massachusetts, Rhode Island, Connecticut, New York, Virginia, and South Carolina, having been duly authorized by their legislatures, signed an engrossed roll of the Articles.

1778–81. Delegates from remaining states signed as follows: North Carolina, July 21, 1778; Pennsylvania, July 22, 1778; Georgia, July 24, 1778;

New Hampshire, Aug. 8, 1778; New Jersey, Nov. 26, 1778; Delaware, Feb. 12, 1779; Maryland, March 1, 1781.

1781. March 1. Articles of Confederation became law.

Questions on the Articles. — What is the name of the federal government? How is the Congress composed? What influences would determine the number of delegates from any state? What reasons for the restrictions on their service? Suppose an army of 50,000 men to be required on the Ohio: show in detail the proceedings necessary in each state. In whose service would the men consider themselves? Suppose the sum of $1,000,000 to be required by the United States: show in detail the proceedings necessary to place the money in the treasury. Suppose that a state failed to pay its proportion, how would this affect the behavior of other states? Could any payments be compelled? Is there any power to regulate commerce? Has the Congress any authority over persons? Is there any idea of a United States citizenship? Was this government representative? Read Bryce, p. 7, and make out a list of the defects of the Confederation as a plan of government.

References on the Period and Criticism of the Confederation

(Channing and Hart. Guide. §§ 149–153.)

Fiske. Critical period, esp. chs. iii–v.

Bancroft. Formation of the constitution, I: 11–266.

Winsor. America, VII: ch. iii.

Frothingham. Rise of the republic, 569–579.

Channing. United States, 107–122.

Channing. Students' history of the United States, 236–255.

Hart. Formation of the union, ch. v.
Boutwell. Constitution at the end of the first century, ch. ii.
Walker. Making of the nation, ch. i.
von Holst. Constitutional history, I: 20–46.
Hildreth. United States, III: chs. xliv, xlvi.
Pitkin. United States, II: ch. xi.
Schouler. United States, I: 14–23.
Schouler. Constitutional studies, 84–92.
McMaster. People of the United States, I: 103–389.
Young. American statesman, ch. iii.
Sumner. The financier and finances of the American revolution, 2 vols.

Personal Illustration

See biographies given above under section 6, and also:

Roosevelt. Gouverneur Morris, ch. v.
Lodge. George Washington, II: ch. i.
Sumner. Robert Morris.

Gather the results of the study of this chapter together in a written paper in the following form:

TOPICAL REVIEW

Formation of the Union

1643–1787

1. Instances of union and common action in the colonial period.
2. Enumeration of noteworthy plans of general government.
3. Advantages of union, and obstacles in the way.

4. Summary of English legislation after 1763.
5. Methods of American resistance.
6. The prevailing English view of the colonies.
7. The principles asserted by Americans.
8. The leaders of the period of revolution, — their character and influence.
9. Why independence was necessary. Its national result.
10. Description of the first attempt to organize the Union.

Make an analysis of the Articles of Confederation according to the following form :

Tabular Analysis

Government of the United States as Organized in the Articles of Confederation

1. How established.
2. Mode of amendment.
3. Prohibitions on the federal government.
4. Prohibitions on the separate states.
5. Duties imposed on citizens.

6. Outline of Organization

Parts	Description: Election, Tenure, etc.	Powers and Duties
I. Executive II. Legislative III. Judiciary		

PART II

THE NATIONAL GOVERNMENT

CHAPTER IV

THE NATION AND ITS FEDERAL CONSTITUTION

1. Bryce, Chapter I. The Nation and the States

Topics. — Reluctance to be considered a nation. Two common forms of composite political communities — the league and the nation. Intermediate position of the United States. Resulting complexity of American institutions.

Supplementary Questions. — 1. What historical reasons for the fear of being considered a nation? 2. Do you think that this fear is disappearing? 3. Formulate a definition of a *nation*. (See Hinsdale, American government, p. 12.) 4. Classify existing states of Europe under the two forms — league and nation. (See Statesman's Year Book for facts.) 5. Do Americans realize the complexity of their institutions? If not, what prevents? (For a debate on the question of being a nation, in the House of Representatives, March 13, 1876, see Congressional Record. Quotations in Hamilton, Federal union.)

2. Bryce, Chapter II. The Origin of the Constitution

Topics. — The thirteen colonies, — their relation to England and to one another. Growth of the Union.

Character of the Confederation. Defects of the plan and difficulties encountered. The Annapolis convention. The Philadelphia convention — account of its sessions. Mode of ratification of the Constitution. Struggle in the state conventions. Amendments proposed. The merits of the Constitution. Sources of the Constitution. Colonial experience.

Supplementary Questions. — 1. What were those "own affairs" that the colonies had managed? 2. Revise and correct your essay on the subject: Colonial life as a preparation for self-government. 3. What further grounds of national unity can you add to the enumeration in Bryce, p. 10? 4. What was the historical value of the Confederation? 5. Did the Constitution as it came from the convention have any legal standing — what legal authority did the convention have to make it? 6. May the spirit of compromise be regarded as peculiarly American? Is it consistent with principle? 7. What turn would the history of the country have taken, if the Constitution had been defeated? 8. Does Mr. Bryce's account of the sources of the Constitution coincide with popular beliefs in our country? 9. Of what value is this history to us?

References on Origin

Stevens. Sources of the constitution.
Hinsdale. American government, ch. xiv.
Fisher. Evolution of the constitution, esp. ch. ii.

3. The Constitutional Convention

The necessity of a stronger union; preliminaries of the Philadelphia convention and the record of its work.

(See also Channing and Hart. Guide. § 154.)

Brief Comprehensive Works

Lalor. Cyclopedia. Article on Convention of 1787.
Winsor. America, VII : ch. iv.
Frothingham. Rise of the republic, 584–597.
Fiske. Critical period, chs. vi, vii.
Hart. Formation of the union, 118–128.
Channing. United States, 122–131.
Walker. Making of the nation, ch. ii.
McMaster. With the fathers, 107, etc.
Schouler. United States, I : 24–46.
Hildreth. United States, III : chs. xlvi–xlviii.
McMaster. People of the United States, I : 389–399, 417–423, 436–453.
Young. American statesmen, ch. iv.
Morris. Half-hours with American history, II : 147–161.
Willoughby. Government of the United States, ch. vi.
Landon. Constitutional history, lect. iii.
von Holst. Constitutional history, I : 47–63.
Spencer. United States, II : 205–258.
Smith, Goldwin. United States, 119–129.

Extended Works

Bancroft. Formation of the constitution, II : bk. iii.
Bancroft. United States. Last revision, VI : pt. iii.
Curtis. Constitutional history, I : chs. xv–xxxii.
Carson. Anniversary of the constitution, I : 1–134.
Pitkin. United States, II : ch. xviii.

Special Subjects

Lalor. Cyclopedia. Articles on Compromises, Navigation acts.

Wilson. Slave power, I: 39–54 (slavery).

Stevens. Sources of the constitution, ch. ii.

Foster. Commentaries on the constitution, 1–104.

Accounts of the Convention in Biographies

Gay. James Madison, chs. vii–ix.

Bigelow. Life of Franklin, III: 376–396.

Morse. Benjamin Franklin, 401–405.

Rives. Life and times of Madison, II: chs. xxvii–xxxii.

Marshall. George Washington, II: ch. iv.

Lodge. George Washington, II: ch. i.

Austin. Elbridge Gerry, II: chs. i–iii.

Stillé. John Dickinson, ch. vii.

Lodge. Alexander Hamilton, ch. iv.

Morse. Alexander Hamilton, I: 155–237.

Tyler. Patrick Henry, chs. xvii–xix.

Roosevelt. Gouverneur Morris, ch. vi.

Contemporary Records

(See also Channing and Hart. Guide, p. 324, sources.)

Elliot. Debates, I: 92, etc. (preliminaries).

Journal of the convention. Also in Elliot. Debates, I: 139, etc.

Madison papers; Debates in the federal convention of 1787, as reported by James Madison.

Madison's Journal of the federal convention. In Elliot.

Debates, V: 109, etc. Published for academic use by Scott, Foresman & Co., 1893. See also as a supplement and guide: Woodburn. Making of the constitution.

Hamilton's Propositions for a constitution. In Hamilton. Works, ed. Lodge, I: 331.

Plans of Randolph and others. (In Towle. History and analysis of the constitution.)

Franklin. Works, V: 142–155.

Madison. Writings, I: 284–340.

Questions on the Convention. — Who were the leaders of the convention? Should Madison be called the "Father of the Constitution"? What experience had fitted the members for this work? Make a list of the most prominent influences acting upon the convention. To what extent did commercial questions affect the work of the convention? Show how the methods of the convention were in line with the previous constitutional history of the country.

Bibliographies of the Constitution

Ford. Bibliography of the constitution. (In Curtis. Constitutional history, vol. II.)

Fiske. Critical period, p. 351.

Winsor. America, VII: ch. iv, end.

Woodburn. Making of the constitution, 40–41.

Hart. Constitutional and political history, 19–38.

Foster. The United States constitution. (In Library journal, V: 172, 222.)

4. Study of the Constitution

Careful reading of the text of the Constitution and its amendments to become familiar with its provisions. Ex-

amination of its language to secure an accurate understanding of all expressions. Consult the dictionary or Dictionary of Law for unusual or technical terms, as impeachment, quorum, bill of attainder, *ex post facto* law. Familiarity with the text can be tested by the following questions.

On the Text of the Constitution

Whose Constitution is this? For what purposes was it established?

Article I

Where is the legislative power vested? Where are the powers not delegated to the United States by the Constitution, nor prohibited by it to the states? (See Am. X.) How is Congress composed? Who compose the House of Representatives? How and for what term are they chosen? Who vote for them? What are the qualifications of representatives? How are representatives apportioned? (See Am. XIV.) Can any state be without a representative? What was the provisional apportionment? What state had the highest number? How is a vacancy in the House filled? Who presides over the House? What is its power in impeachment? Who compose the Senate? How are they chosen? What classification was required? How are vacancies filled? What are the qualifications of senators? Who presides over the Senate? What is the Senate's power in impeachment? What vote is required for conviction? To what is judgment limited in case of impeachment? What power has Congress over elections? When does Congress meet? What power has each house in regard to its

own members? over their behavior? How many are required for the transaction of business? What can a smaller number do? What record of proceedings must be kept? Can it be kept secret? Can one house be in session without the other? Who fixes the pay of congressmen? How is the payment made? What are the privileges of congressmen? What are their disabilities? What bills must originate in the House? What power has the Senate in legislation? What is the method of passing a bill? What congressional business must go to the President? What are the powers of Congress in taxation; in regard to war, courts of justice; in the regulation of commerce, the currency; in copyrights and patents, naturalization, bankruptcy; in regard to post-offices; in the protection of persons against unjust state laws; in general matters? What prohibitions are placed upon Congress? What prohibitions are placed upon the states? What powers are denied to the states, unless with the consent of Congress?

Article II

Who has the executive power? Who vote for the President and Vice-President? How many in each state? How are these electors chosen? What was the method of voting prescribed for the electors in the original Constitution? How is this changed in Am. XII? Who counts the votes? When is there an election by the House of Representatives? How is the vote then taken? What authority has Congress over the choice of electors? Who is eligible to be President? Under what conditions does the Vice-President become President? How is the salary of the President fixed? What is the

President's oath? What are the powers of the President in military affairs? over the heads of executive departments? with respect to criminal offenders? What power does he have in conjunction with the Senate? How are inferior offices provided for? How are vacancies filled when the Senate is not in session? What information must the President give to Congress? What power has he over the sessions of Congress? Who receives ambassadors? Who sees that the laws are executed? Who signs commissions? Who receive commissions? What officers may be removed by impeachment, and for what causes?

Article III

Who has the judicial power of the United States? What is the tenure of judges? How is their compensation protected? What cases come under the judicial power of the United States? What restriction was made by Am. XI? In what cases does the Supreme Court have original jurisdiction? How is its appellate jurisdiction regulated? What points are specified in regard to trials? (See also Ams. V–VII.) In regard to punishments? (See also Am. VIII.) What constitutes treason against the United States? How must it be proved? How is its punishment restricted?

Article IV

How must one state behave toward the proceedings of another? What rights in Oregon has a citizen of California? How is a fugitive from justice recovered from another state? Could one state liberate the slaves escaped from another? How are new states admitted? How could two states be made of California? How

could Nevada be annexed to Utah? What authorization is there for the government of Arizona? What shall the United States guarantee to every state? From what shall it protect them?

Article V

In what two ways may amendments originate? In what two ways may they be ratified? What things are reserved from amendment?

Article VI

How were the debts of the United States under the confederation provided for? What is the supreme law of our land? Who are bound thereby? Can state law invalidate a United States law? Who are bound to support the Constitution? What test is forever forbidden?

Article VII

How was the Constitution ratified? How many states ensured its adoption?

When did the convention complete its work? How many men signed the Constitution? from how many states? What ones became Presidents? What ones were signers of the Declaration of Independence?

Reference List of Commentaries on the Constitution

Simple Popular Works

Rupert. History and constitution of the United States.
Harrison. This country of ours.
Porter. United States constitutional history.

Schouler. Constitutional studies, 93–189.
Story. Exposition of the constitution.
Ford. American citizen's manual, I: ch. i.

Extended Works

Boutwell. Constitution at the end of the first century.
Foster. Commentaries on the constitution.
Curtis. Constitutional history of the United States, 2 vols.
von Holst. Constitutional law.
Cooley. Constitutional law.
Cooley. Constitutional limitations.
Story. Commentaries on the constitution.
Patterson. Federal restraint on state action.
Fisher. Evolution of the constitution.
Stevens. Sources of the constitution.

5. Ratification of the Constitution

The discussion of the plan of federal union before the people and in the several state conventions.

(See also Channing and Hart. Guide. § 155.)

Winsor. America, VII: ch. iv.
Bancroft. Formation of the constitution, II: esp. 225–318.
Lalor. Cyclopedia, I: 99, 606–607.
Frothingham. Rise of the republic, 598–606.
Landon. Constitutional history, lect. iv.
Borgeaud. Adoption and amendment, 131–136.
Fiske. Critical period, 303–350.
Andrews. United States, I: 239–240.
Hart. Formation of the union, 128–135.

Channing. United States, 132–134.
Schouler. United States, I: 47–73.
Walker. Making of the nation, ch. iv.
McMaster. People of the United States, I: ch. v, *passim*.
Hildreth. United States, III: 533–539.
Jameson. Essay on constitutional history of the United States, 46, etc. (efforts to amend).
Ford. Essays on the constitution (1787–1788).
Curtis. Constitutional history, I: chs. xxxiii–xxxv.
Harding. Federal constitution in Massachusetts.
Jameson. Movement toward a second convention in 1788. (In Jameson. Essays in constitutional history.)
Bateman. Political and constitutional law, 121–145 (ordinances of ratification).
Libby. Geographical distribution of the vote.

In Biographies

Gay. James Madison, ch. ix.
Wells. Samuel Adams, III: 248–276.
Rives. Life and times of Madison, II: chs. xxxiii–xxxvi.
Wirt. Patrick Henry, 278–316.
Tyler. Patrick Henry, 279–301.
Lodge. Alexander Hamilton, 65–80.
Morse. Alexander Hamilton, I: 238–275.
Morse. Thomas Jefferson, 92–95.
Hosmer. Samuel Adams, 392–401.

Contemporary Accounts and Discussions.

The Federalist.
Washington. Writings, vol. XI (letters).

Madison. Writings, I : 340, etc. (Virginia convention).
Jefferson. Works, II : Index, *Constitution*.
Ford, editor. Essays on the constitution (1787–1788).

Review of the Constitution

Make an analysis of the Constitution (not including amendments) according to the form used for the Articles of Confederation. Compare the two and state how the Constitution formed "a more perfect union."

A more extended analysis of the Constitution may be made according to the following form.

Topical Analysis of the Constitution

(Give the ideas called for by each topic briefly, so far as possible in the language of the document; and give exact reference to article and section for each point. Use the Roman numerals for articles and the Arabic for sections; as III : 2, for Article III, section 2.)

I. The Constitution as a whole.

1. By whose authority?
2. Purposes.
3. Mode of adoption.
4. Modes of amendment.
5. Force as law.
6. Who are bound to support?
7. Who are citizens under it?

(Can this be answered without Am. XIV?)

II. Legislative Department.

Topic	Representatives	Senate
1. Composition		
2. Qualifications		
3. Election, tenure, etc.		
4. Appointment		
5. Filling of vacant seats		
6. Exclusive authority		

Provisions Common to Both Houses

1. Control over members.
2. Oath of office.
3. Quorum.
4. Compensation.
5. Rules of procedure.
6. Journal.
7. Privileges of members.
8. Disabilities of members.

Powers of Congress

1. Revenue.
2. Appropriations.
3. Trade.
4. Finance.
5. War and national defence.
6. Courts.
7. Elections.
8. Offices.
9. Naturalization.

10. United States territory.
11. General powers.

III. Executive Department.

	Qualifications	Election or Appointment, Tenure, etc.	Powers		
			Civil	Military	Legislative
1. President					
2. Vice-President					
3. Executive Heads					

IV. Judicial Department.

1. Courts and their jurisdiction.
2. Judges and their tenure.

V. Prohibitions on the United States.

VI. Prohibitions on the States.

6. Bryce, Chapter III. Nature of the Federal Government

Topics. — The twofold problem of the Constitution. Relation of the Federal Constitution to the state constitutions. Functions of the Federal government. Its four essential objects, and how they are secured. Relation to the English constitution and to the state constitutions. Profound difference between Congress and the British Parliament. Explanation of this difference. Origin of written constitutions.

Supplementary Questions. — 1. May the American people have been a nation before 1789? 2. What is usually taken

as our national birthday? 3. May we have been a nation a long time before we fully realized it? 4. Can there be any doubt as to the fact now? (Definition by J. R. Green, History of the English People, vol. iv, p. 226: "A nation is an aggregate of individual citizens, bound together in a common and equal relation to the state which they form." By E. A. Freeman. Chief periods of European history, lect. vi: "The nation, in short, should have unity of speech and unity of government.") 5. Are the states as essential to the Federal government as it is to them? 6. Has our experience shown the need of adding new functions to the Federal government? If so, what? 7. What is the Constitution to you in your everyday life? 8. Show the line of descent of the Constitution, (*a*) in form, (*b*) in contents.

7. Territorial Growth of the United States, and Increase of States

(Read Bryce, Chapters XXXIV and LVIII.)

MAP STUDY

Refer to maps showing the territorial growth of the United States, and report upon the following: What was the original territory of the United States? Who were our neighbors in 1783? The natural boundaries of the Louisiana territory? What acquisitions were made on the Gulf before 1812? What was included in the Florida purchase? When was the Oregon boundary determined? What area was annexed as Texas? What lands were ceded to us by Mexico? What are the boundaries of Alaska? Report upon the time and circumstances of each acquisition. Taken together with colonial history, do they make a steady progress? (See references below.)

Distribution of Population

Read Bryce, Chapters XXXIV and LVIII, and report upon the lines of settlement and present distribution of population. Bring together additional facts from the United States Census of 1890, *Abstract*, or similar facts from McCarthy's Statistician, or various Political Almanacs. Look up the population maps in Thorpe's Constitutional History of the American People, and construct a similar map for 1890.

History of the Admission of States

Consult a map of the United States, and the List of States, Bryce, page xi. Report upon the following: What was the first new state? How many were there in 1800? in 1830? in 1860? in 1876? How many are there now? Which is the newest state? What may be considered as prospective states?

Area and Boundaries of the States

How many states are there in the original area of the United States? How many have been formed from each of the added territories, as Louisiana, etc? What influences have determined state lines? To what extent are they natural lines? Estimate the area and population for each group of states, Bryce, page 287. Which group has the largest area? the greatest population? Arrange the groups in order of population. Arrange the states in order of area; of population. What is California's position in each list?

References on Territorial Expansion

(Previous to 1898)

Bibliography

Channing and Hart. Guide, §§ 161, 168, 185, 192, 193.
Winsor. America, VII : App. i.

General Works

Lalor. Cyclopedia. Articles on Annexation, Northwest boundary, Ordinance of 1787.
Channing. United States. Index. (See also maps.)
Walker. Making of the nation. Index.
Schouler. United States, V : Index. *Louisiana, Florida, Texas, Mexican cession.*
McMaster. People of the United States, II : 626–635 ; III : 1–15, 23–41, 209–215.
Hildreth. United States. Index. *Louisiana, Florida.*
Adams. United States, II : ch. ii–vi.
Andrews. United States. Index.
Von Holst. Constitutional history. Index.
Young. American statesman. Index.
Poussin. United States, pt. i ; chs. xx, xxi.
Benton. Thirty years' view. Contents.

Special Works

Winsor. America, VII : App. i.
Roosevelt. Winning of the West, 3 vols.
Hinsdale. Old Northwest.
Drake. Making of the Ohio valley states.
Walker. Distribution of population.
Blunt. Formation of the confederacy.

McMaster. Struggle for territory.

Thorpe. Constitutional history of the American people, I: chs. viii–xi.

Donaldson. Public domain. House Miscellaneous Documents, 1882–1883, vol. 19.

In Biographies

Morse. Thomas Jefferson, ch. xiv.

von Holst. John C. Calhoun, chs. viii, ix.

McLaughlin. Lewis Cass, chs. i, iv.

Pierce. Memoirs of Charles Sumner, IV: 318, 324–328.

8. The Land System of the United States

Consult Lalor's Cyclopedia of Political Science, article on "Public Lands," and report upon the following: How did the United States become possessed of the public domain? What have been the methods followed in disposing of it? What influence has the land policy of the United States had upon settlement? Describe the system of government survey. What are school sections?

Practical Questions. — From a map showing the land survey in your vicinity, work out the following: In what township do you live? Give the exact location of your home within the township as closely as can be done from the map. Designate the township in which some town or city of your vicinity is located. Draw a diagram of a township; number the sections; mark the school sections; the S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of S. 10 and the E. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of S. 15. Write a summary of the history of the public land policy of the United States from Hart, Practical essays, 233–257.

Land Laws

(Consult Copp's American Settler's Guide. American Mining Code. United States Revised Statutes, Public Lands.)

Ascertain the meaning of the following: Homesteads, land warrants, preëmption. Illustrate the procedure of obtaining a United States patent to 160 acres of surveyed public land. What is the Timber Culture Law? The Desert Land Law? How is the possession of mineral lands determined? How may ownership be acquired?

References on the Land System

American History Leaflets, No. 22 (State land claims and cessions).

Schouler. United States, V: Index. *Land.*

McMaster. People of the United States, II: 144–159, 476–482; III: 89–145 (review from 1776–1805); IV: 381–396.

Hamilton. United States, IV: 170–172.

Clusky. Political text-book, 491–526.

Barrows. United States of yesterday, ch. vii.

Young. American statesman. Index. *Lands.*

von Holst. Constitutional history. Index.

Benton. Thirty years' view. Contents.

Lalor. Cyclopedia. Article on Public Lands.

Sato. Land question in the United States. (In Johns Hopkins University Studies, IV: Nos. vii–ix.)

Public land surveys. American Book Co.

Donaldson. Public domain. House Miscellaneous Documents, 1882–1883, vol. 19.

9. The Territorial System. Bryce, Chapter XLVI

Topics. — List of present territories. The recent promotions. Origin of territorial government. The territorial constitution. Form of government; the governor and his powers; the legislature; the judiciary. Citizenship in the territories. Preparation for statehood. Procedure of forming a state. Merits of the system.

Supplementary Questions. — 1. Look up a copy of the Ordinance of 1787 and report upon the form of government established and the rights guaranteed by it. 2. Who enacted this ordinance? 3. For what territory? 4. Was California ever a territory?

Practical Questions. — Ascertain the population and estimated wealth of Arizona and New Mexico. Does any one wish them to be made into states? What objections are there? Would you have any objection to living in a territory?

References on the Ordinance of 1787

Winsor. America, VII: 537–538.

Barrett. Evolution of the ordinance of 1787.

Hinsdale. Old northwest, chs. xv, xvi.

Lalor. Cyclopedia. Article on Ordinance of 1787.

Dunn. Indiana, 177–218.

King. Ohio, 180–188, 405–409.

Cooley. Michigan, 127–132, 138.

Cutler. Ordinance of 1787.

Coles. History of the ordinance. (Pennsylvania Historical Society.)

Merriam. History of the ordinance of 1787.

Adams. Maryland's influence upon land cessions. (In Johns Hopkins University Studies, III: No. i.)

Harper's magazine, vol. LXXI : 554.

Thorpe. Constitutional history of American people.

Boutwell. Constitution at the end of the first century, ch. iii.

See also general histories of the period, as Bancroft.

TEXT OF THE ORDINANCE

Preston. Documents, 241.

Old South leaflets, No. 13.

MacDonald. Select documents, No. 4.

Poore. Charters and constitutions, pt. i.

Boutwell. Constitution at the end of the first century, 23–32.

Donaldson. Public domain, 153–156.

10. Present Unifying Forces

Our present national unity is the result of many influences. Some of these may be studied as follows. Procure a railroad map of the United States and report upon the following questions: How many complete transcontinental lines are there, counting them west of the Mississippi River? What lines of travel are there from north to south? Is there any state or territory without railroad connection? Answer similar questions so far as possible for telegraph and telephone lines. Ascertain facts as to the number of newspapers published in the United States. Visit the newspaper room of a public library and report upon the states or localities there represented by a paper. How widely are the newspapers of greatest popularity circulated? Answer the same questions for magazines. How many political parties maintain a national organiza-

tion? (See some Political Almanac.) How many churches hold national assemblies? How many benevolent, educational, or trade associations? Select some prominent instance of a national convention, and report upon its membership, the number in attendance, and the places from which the members have come. Investigate in your own locality and report on the places of incorporation of the life insurance companies; the fire insurance companies. Inquire at a neighboring bank, and report upon its business connections in other states. Find evidence of the capitalists of one state investing their funds in other and remote states. Get together facts in regard to the destination of products shipped from your locality; of the place of production of goods brought to your home from other parts of the United States. Considered in many ways, are we not one people leading a common life?

TOPICAL REVIEW

Write a review of the work in this chapter according to the following form.

THE NATION AND ITS CONSTITUTION

1. Origin of the Constitution.
2. Summary of the history of its adoption.
3. Influences for and against its adoption, — the struggle before the people.
4. Why the Constitution was a compromise.
5. Territorial growth since 1789.
6. Methods of handling the national domain.
7. Methods of governing during the process of settlement.
8. Present evidence of national unity.

Subjects for Essay Work

An imagined history of the United States, supposing that the Louisiana Territory had been incorporated with Canada under British rule.

Differences between the political systems of the United States and Great Britain in 1789.

Why was a written constitution the best for America?

CHAPTER V

THE EXECUTIVE DEPARTMENT

1. Bryce, Chapter IV. The President

Topics. — Three departments of American government. Why a single head was accepted in the executive. Hamilton's plan of life tenure. Previous models for the presidency. Mode of election as planned. How practice has belied the theory. Growth of parties and of popular elections. Methods of choosing electors. Consequences of the electoral system — pivotal states. Presidents as party men. Reëlections. Failure of an electoral choice. House elections. Counting the returns. Contest of 1876. The Electoral Commission. The law of 1887. Impeachment of the President. The succession to the office.

Supplementary Questions. — 1. Point out precisely what was changed in the Constitution by Am. XII. 2. Ought there to be any further change now? If so, why? 3. What results regarding control of elections, qualifications for voting, etc., would necessarily follow an election by direct popular

vote? 4. Comparison of the process of impeachment with English examples, *e.g.* Warren Hastings. 5. Why should the Chief Justice preside when the President is on trial? 6. Is impeachment any longer a real remedy? 7. In House elections why should the vote be taken by states? (Consider the election of 1824.) 8. Find examples of vice-presidential candidates nominated for policy and not for fitness.

Practical Questions. — Who were the presidential electors in California in the last election? Who voted for them? Describe the method. How many votes did they receive? (See State Blue Book or Political Almanacs.) Who were chosen? What duties did they perform? When was the result of the election assumed to be known? Of what party is the President now in office? In what ways was he known to the country before the election? What Presidents have been reëlected?

History of Elections

O'Neil. American electoral system.
Stanwood. Presidential elections.
See also Chapter XX, below.

2. Bryce, Chapter V. Presidential Powers and Duties

Topics. — Powers of the President stated; arranged in four groups. Foreign affairs. Influence of Congress. Domestic authority. War powers. Guarantee of a republican government to the states. Proclamations. Inaugurals. Authority in legislation. No initiative. The veto and its value. Popularity of the President. Appointing power. Growth of senatorial influence. Patronage and the spoils system. Right of removal. Reform of the civil service. Power of the President in peace and in war. Comparison with European rulers. Strength of

the President is from the people. Old fear of a tyranny groundless.

Practical Questions. — From the newspapers, report instances of recent presidential acts and state under what powers they come. Find and read a copy of the last proclamation or message of the President and report upon its contents and its influence. Find some recent instance of the use of the veto. Was the measure passed? What federal officers in your vicinity were appointed by the President? Ascertain what you can as to why these persons were appointed. Find in the Constitution the provision for each of the President's powers.

On the Civil Service

Obtain a copy of the last report of the Civil Service Commission and report upon the following: How many persons are in the civil service of the United States? What proportion of them are included in the reformed or classified service? How were these appointed? What is their tenure? What is the record of the extension of the classified service since 1883?

References on the History of the Civil Service

In General Works

Lalor. Cyclopedia. Articles on Civil administration, Civil service reform, Patronage, Removals from office, Spoils system.

Schouler. United States, V: Index.

Johnston. American politics. Index.

Adams. United States, I: ch. viii.

McMaster. People of the United States, II: 583–587.

Walker. Making of the nation, 169–171, 175.

Young. American statesman. Index. *Removals from office.*

von Holst. Constitutional history. Index. *Spoils system.*

Boyd. Political history, 1a–21a.

Pierce. Memoirs and letters of Charles Sumner, IV: 190–192.

Channing and Hart. Guide to American history. Index (for further references).

Special Works

Elmes. Executive departments (complete summary of organization).

Jenckes. Civil service of the United States. Reports of Committee on Retrenchment, 1868.

Civil Service Commission. Reports, 1884–1894.

Civil Service Reform League. Proceedings, 1894, 1895.

Magazine articles on civil service reform.

Comstock. Civil service in the United States (examination manual).

Shepard. Martin Van Buren. Index. *Spoils system.*

McLaughlin. Lewis Cass, 135–137 (introduction of spoils system).

Supplementary Questions.— 1. Did freedom from foreign affairs exist in the first thirty years of our national history? 2. Are we likely to have more concern with such matters in the future? 3. Should this be our policy? 4. Can the President proclaim a holiday that would close the schools of California? (See Cal. Political Code, sec. 10.) 5. Are not the President's messages communications to the people rather than to Congress? 6. Does the use of the veto always make a President

popular? 7. Recapitulate the arguments in this chapter against patronage. 8. Can you find any evidence to support Mr. Bryce's judgment on page 51? "The larger a community becomes," etc. 9. Could the President lead an army in person? 10. Could he go outside the United States?

3. Bryce, Chapter VI. Observations on the Presidency

Topics. — Main objects of the presidency have been attained. Defects pointed out: (*a*) statesmen are lured into inconsistency; (*b*) turmoil of election periods; (*c*) discontinuity of policy; (*d*) pandering to politicians; (*e*) weakness of an outgoing President; (*f*) election may be in doubt. Office is, however, a success. No tendency toward monarchy. Elections are grand reviews. Social life at Washington.

Supplementary Questions. — 1. Find, if possible, evidence in specific instances for each of the defects pointed out. Can any of them be removed? 2. Can you prove that the merits of the office outweigh these defects? 3. Who were the wiser in regard to the question of the President's title? 4. Do Americans consider the President's salary small? 5. Gather facts from reading or inquiry in regard to the popular reception of a President touring the country.

4. Bryce, Chapter VII. Why Great Men are not chosen Presidents

Topics. — Evidence of the fact. Reasons in explanation: (*a*) little first-rate ability in politics; (*b*) few opportunities for personal distinction in Congress; (*c*) eminent men make enemies; (*d*) the great man is a poor candidate; (*e*) great powers are not required. Influence of sectionalism. Career of ex-Presidents.

Criticism of the Presidents in the three periods. Comparison with English prime ministers.

Supplementary Questions. — 1. Look up the lives of the Presidents and decide whether Mr. Bryce's judgment of them is satisfactory or not. 2. How would the direct popular election of the President affect the candidacy of great men? 3. What states at the present have the best chance of nominating a Republican candidate? a Democratic? 4. Is there any reason why ex-Presidents should not serve in Congress, or in state or municipal offices?

5. Bryce, Chapter VIII. The Cabinet

Topics. — Application of the term "cabinet." Constitutional mention. History of the executive departments. Relation to Congress. Choice of cabinet officials. The Secretary of State. The Treasury. Department of the Interior. The other departments. Relation to the President. The Cabinet not a unit. Methods of early Presidents. Responsibility of the President. No policy but the President's.

Supplementary Questions. — 1. What reasons have caused the increase in cabinet officers? Is further increase probable? 2. Has agriculture been improved by having a cabinet office? 3. What reasons can you give for admitting the secretaries to the floors of Congress? What reasons against it? 4. What cabinet offices offer the best opportunities for distinction? 5. Does a man ever give up a place in Congress to go into the Cabinet? 6. To what extent should the appointed officers of the United States be of the same political party as the President?

Practical Questions. — Ascertain the names of the present heads of the executive departments. From the Congressional

Directory[1] report upon their public life previous to appointment. Discuss any noteworthy acts or recommendations of present or recent officers. What is the salary of a cabinet office?

6. Organization and Work of the Executive Departments

(Abridged from Congressional Directory, which see for further facts.)

(Every department and bureau has of course all assistants, clerks, attachés, and employees necessary for the performance of its duties. For classification, numbers, etc., see annual reports of Civil Service Commission, and for names and addresses of persons employed see United States Roster or Blue Book.)

Cabinet Departments

State Department. — The Secretary of State is charged, under the direction of the President, with duties appertaining to correspondence with the public ministers and the consuls of the United States, and with the representatives of foreign powers accredited to the United States; and to all negotiations relating to the foreign affairs of the United States. He is the medium of correspondence between the President and the chief executives of the several states; he is the custodian of the great seal of the United States, countersigns and affixes the seal to all executive proclamations, various commissions and warrants for the extradition of fugitives from justice. He grants passports, publishes the laws and resolutions of Congress, and is the custodian of the laws of the United States and of treaties with foreign nations. His annual

[1] Procure a copy for the school by writing to the Congressman of your district.

reports to Congress contain information regarding commerce received from the diplomatic and consular offices.

The Department is organized under an Assistant Secretary; a Second and a Third Assistant; a Chief Clerk, who supervises all clerks and employees; the Diplomatic Bureau, which conducts the diplomatic correspondence; the Consular Bureau, which conducts the consular correspondence; a Bureau of Indexes and Archives, which opens, indexes, and registers all correspondence and preserves the archives; a Bureau of Accounts, which has the disbursement of appropriations, the custody of bonds, and the care of the property of the Department; a Bureau of Rolls and Library, which has the care of rolls, treaties, laws, and public documents; a Bureau of Statistics, which publishes the monthly consular reports, special reports, and the annual report to Congress entitled "Commercial Relations of the United States."

The Diplomatic Service of the United States includes embassies or legations at the courts or capitals of all foreign nations.

(For list of officers see Congressional Directory and Political Almanacs. Also lists of Foreign Embassies and Legations to the United States.

The Consular Service of the United States includes Consuls-General, Consuls, Commercial Agents, and Consular Agents and Clerks at all foreign cities and commercial points.

(For alphabetical list of consulates with officers in charge see Congressional Directory and Political Almanacs. Also list of the Consuls of other nations resident in the cities of the United States.)

Treasury Department. — The Secretary of the Treasury is charged by law with the management of the national

finances. He prepares plans for the improvement of revenue; superintends its collection; prescribes the forms of accounts; grants warrants for all moneys drawn from the Treasury in pursuance of appropriations, and for the payment of moneys into the Treasury; and annually submits to Congress estimates of probable revenues and disbursements. He controls the construction of public buildings, the coinage of money, the collection of statistics, the administration of the Coast and Geodetic Survey, Life-Saving, Lighthouse, Revenue Cutter, Steamboat Inspection, and Marine Hospital branches of the public service.

The organization of the Department is as follows: Three Assistant Secretaries; a Chief Clerk, who supervises the duties of all clerks and employees, has charge of the buildings and property of the Department in Washington, all furniture, repairs, etc.; the Comptroller of the Treasury, who prescribes the forms of keeping and rendering accounts, and decides appeals from auditors; the Auditor for the Treasury Department, who receives and examines all accounts of salaries and incidental expenses of the Department, — arranged in subordinate divisions of Customs Division, Internal Revenue Division, Public Debt Division, and Miscellaneous Division; Auditors for the War, the Interior, the Navy, the State, and other departments, with similar duties with respect to accounts and the business also distributed in proper divisions (for the Post Office this work includes the arrangement of all money orders by states and offices in exact numerical order, auditing of accounts of every postmaster, settlement of accounts with postmasters, and adjustment of postal accounts with other countries, the payment

of all accounts for transportation of mails, etc.); the Treasurer of the United States, who is charged with the receipt and disbursement of all public moneys deposited in the Treasury at Washington, and the sub-treasuries at Boston, New York, Philadelphia, Baltimore, New Orleans, San Francisco, St. Louis, Chicago, and Cincinnati, and in the national bank United States depositories; he is also trustee for bonds securing national bank circulation and other bonds, and agent for paying the interest on the public debt; the Register of the Treasury, who signs and issues all bonds of the United States, the District of Columbia, the Pacific railroads, etc., keeps records of bonds and signs all transfers conveying money from the United States Treasury to the sub-treasuries and depositories; the Comptroller of the Currency, who has control of the national banks; the Director of the Mint, who supervises the mints and assay offices. (Two annual reports are published by the Director of the Mint, one for the fiscal year and included with Report of the Secretary of the Treasury, the other for the calendar year and giving statistics of the production of the precious metals.) The department also includes the Customs Service; the Internal Revenue Service under the supervision of a Commissioner; the Bureau of Engraving and Printing under a Director; the Supervising Architect's Office; the Secret Service Division; the Bureau of Statistics, which publishes statistics of common, foreign, and domestic commerce (the most generally useful publications are Annual Report on Commerce and Navigation, Annual Report on Internal Commerce, and Annual Statistical Abstract of the United States); the Life-Saving Service under a General Superintendent; the Bureau of Navigation under a

Commissioner; the Office of Steamboat Inspection under a Supervising Inspector-General; the Lighthouse Board; the Coast and Geodetic Survey under a Superintendent (results of the survey are published in the form of annual reports, bulletins, notices to mariners issued monthly, harbor charts, coast charts, sailing charts, annual tide tables, chart catalogues, and Coast Pilots); the Marine Hospital Service under a Supervising Surgeon-General; and the Bureau of Immigration under a Commissioner-General.

War Department. — The Secretary of War performs such duties as the President may enjoin upon him concerning the military service. He has supervision of all estimates of appropriations for the army, of the Military Academy at West Point, and of national cemeteries; he has charge of all river and harbor improvements, the establishment of harbor lines, and approves the plans and location of bridges authorized by Congress to be constructed over the navigable waters of the United States. He has an Assistant Secretary, a Chief Clerk, and necessary subordinates.

The organization of the Department is by Military Bureaus, the chiefs of which are officers of the Regular Army of the United States, as follows: the Adjutant-General, who promulgates all orders of a military character; the Inspector-General, who supervises inspection of all military commands; Quartermaster-General, who provides transportation, clothing, equipage, horses, mules, wagons, vessels, forage, stationery, and other miscellaneous stores, and all necessary buildings, wharves, roads, and bridges at military posts, and pays guides, spies, and interpreters; the Commissary-General, who has control

of the subsistence department; the Surgeon-General, who has charge of the medical department; the Paymaster-General; the Chief of Engineers; the Chief of Ordnance, who provides all artillery, small arms, and munitions of war of every description for forts, armies, and whole body of militia of the Union; the Judge-Advocate-General, who receives, reviews, and has a record kept of the proceedings of all courts-martial, courts of inquiry, and military commissions (he is also a legal adviser to the Secretary of War); the Chief Signal Officer, who supervises all military signal duties, military telegraph lines, etc.; and the Chief of the Record and Pension Office, who has charge of the military and hospital records of the volunteer armies of the United States.

Navy Department. — The Secretary of the Navy performs such duties as the President may assign him, and has general superintendence over the construction, manning, equipment, and employment of vessels of war. He has an Assistant Secretary, Chief Clerk, and necessary subordinates.

The organization of the Department is by Naval Bureaus, the chiefs of which are officers of the United States Navy, as follows: the Bureau of Navigation, which promulgates orders to the fleets, controls the education of officers and men, including the Naval Academy, and manages the enlistment and discharge of all enlisted men; the Bureau of Yards and Docks, which manages the construction and maintenance of all docks, wharves, and buildings of every kind within the navy-yards; the Bureau of Equipment, which manages the equipment of all vessels with rigging, sails, anchors, navigation stores,

nautical instruments, appliances for lighting, fuel, etc.; the Bureau of Ordnance, which provides all offensive and defensive arms and apparatus; the Bureau of Construction and Repair, which manages everything relating to designing, building, and repairing vessels; the Bureau of Steam Engineering, which provides and maintains the steam machinery used for naval vessels; the Bureau of Medicine and Surgery, which has charge of laboratories, hospitals, and the furnishing of all medicinal supplies; the Bureau of Supplies and Accounts, which has charge of supplying provisions, clothing, etc. The Department also includes the office of Judge-Advocate-General, who receives and has a record kept of the proceedings of all courts-martial, courts of inquiry, etc.; the Marine Corps, with headquarters at Washington; and the Naval Observatory, located at Georgetown Heights, Dist. of Columbia.

Interior Department. — The Secretary of the Interior has the supervision of public business relating to patents for inventions; pensions and bounty lands; the public lands and surveys; the Indians; education; railroads; the Geological Survey; the census; the Hot Springs Reservation, Arkansas; Yellowstone National Park, Wyoming, and the Yosemite, Sequoia, and General Grant parks, California; distribution of appropriations for agricultural and mechanical colleges; and custody of certain hospitals in the District of Columbia. He has also certain authority in relation to the territories. He has a First Assistant, an Assistant Secretary, a Chief Clerk, and needful subordinates.

In the organization of the Department, the various branches, designated as Offices or Bureaus, are presided over by the following heads: Commissioner of Patents;

Commissioner of Pensions; Commissioner of the General Land Office; Commissioner of Indian Affairs; Commissioner of Education, who collects and publishes information in regard to education; Commissioner of Railroads, who receives reports from roads to which the United States has granted subsidies; Director of the Geological Survey, who has charge of the classification of the public lands and the examination of the geological structure, mineral resources, and products of the national domain; and the Superintendent of the Census. (The eleventh census, 1890, embraced the population, wealth, and industry of every state and territory; special inquiries in regard to recorded indebtedness; and investigations in regard to the manufacturing, railroad, fishing, mining, cattle, and other industries of the country.)

Post-Office Department. — The Postmaster-General has the direction of this Department. He appoints all officers and employees of the Department, except the four Assistant Postmasters-General, who are appointed by the President; appoints all postmasters whose compensation does not exceed $1000; makes postal treaties with the approval of the President, and awards contracts.

The Department is organized under the four Assistants, as follows:

The First Assistant Postmaster-General has charge of the following divisions: Salary and Allowance, Free Delivery, Post-Office Supplies, Money-Order, Dead-Letter Office, and Correspondence.

The Second Assistant Postmaster-General has charge of the transportation of the mails, which is managed by the following divisions: Contract Division, Inspection,

Railway Adjustment, Mail Equipments, Railway Mail Service, and the Office of Foreign Mails.

The Third Assistant Postmaster-General has charge of matters belonging to the following divisions: Finance, Postage Stamps and Stamped Envelopes, Registered Letters, Mail Classification, the Division of Files, Mails, etc., and the Special Delivery System.

The Fourth Assistant Postmaster-General has charge of the divisions of Appointments, Bonds and Commissions, and Post-Office Inspection and Mail Depredations.

Department of Justice. — The Attorney-General is head of this Department. He represents the United States in legal matters; gives his opinion on questions of law when required by the President; and exercises superintendence over United States attorneys and marshals in all the states and territories. He is assisted by a Chief Clerk, other clerks and employees, a Solicitor-General, four Assistant Attorneys-General, and other assistant attorneys. These assistants argue cases in the Supreme Court, defend the United States in the Court of Claims, etc.

Department of Agriculture. — The Secretary of Agriculture is charged with the supervision of public business relating to agricultural industries. He is aided by an Assistant Secretary, a Chief Clerk, and other clerks and employees. The work and organization of the Department may be seen from the following list of bureaus and divisions: The Weather Bureau, which has stations throughout the United States for recording and forecasting the weather; Bureau of Animal Industry, which investigates animal diseases; the Statistician, who col-

lects and publishes information in regard to crops; Division of Accounts and Disbursements; Division of Chemistry; Office of Experiment Stations, which conducts the correspondence with agricultural colleges and experiment stations in the various states and territories; the Entomologist, who studies insects injurious to vegetation; Division of Biological Survey, which studies the geographical distribution of plants and animals; Division of Forestry; Division of Botany; Division of Agrostology, which investigates grasses and forage plants; the Pomologist, who collects information in regard to fruit industries; Division of Vegetable Physiology; Office of Fibre Investigations, which investigates textile plants; Office of Road Inquiry, which studies systems of road management; Division of Publication; and the Division of Gardens and Grounds, which has charge of the park and conservatories around the Department buildings.

Not included in the Cabinet Departments

Department of Labor, in charge of a Commissioner of Labor, who collects and publishes information.

Civil Service Commission, composed of three Commissioners, who are charged with making rules and regulations to aid the President in the Civil Service of the United States.

Commission of Fish and Fisheries, in charge of a Commissioner.

Interstate Commerce Commission, composed of five Commissioners.

Government Printing Office, in charge of the Public Printer.

Board of Geographic Names, composed of officers of

the Geological Survey, Coast and Geodetic Survey, Army and Navy officers, and others.

Bureau of American Republics for the collection and distribution of commercial information among the American republics.

Intercontinental Railway Commission, composed of three Commissioners, who are charged with conducting surveys and making reports for an intercontinental railway.

To these may be added the Library of Congress; the Smithsonian Institution, which has in charge also the National Museum, Bureau of American Ethnology, International Exchanges, the National Zoölogical Park, and the Astrophysical Observatory; the National Home for Disabled Volunteer Soldiers, and the Soldiers' Home.

References on the Executive Departments

Lalor. Cyclopedia. Articles on Administrations, Confirmation by the senate, Executive, Treasury department, War department, etc.

Guggenheimer. Development of the executive departments (1775–89). (In Jameson. Essays in constitutional history.)

Schouler. United States, V: Index.

Palmer. Historical register, III: 23–52 (1814).

Schuyler. American diplomacy, chs. i–iii.

Young. American statesman, 70–77.

Dawes. How we are governed.

Boyd. Political history, 208–270.

Bannatyne. Republican institutions.

Brown and Strauss. Dictionary of politics.

Brooks. How the republic is governed.

Wilson. Congressional government.
Hinsdale. American government, ch. xxxiii.
Elmes. United States executive departments, 1879.
Harrison. This country of ours.
Ford. American citizens' manual, II: ch. ii.
Also Encyclopedias, Statistician, Political almanacs, Congressional directory, Federal blue book, and United States revised statutes.

7. Topics for Original Investigation

Practical work can be carried on as follows:

I. Consult the City Directory (Index or Table of Contents) of your city, or the city nearest to you, and make a list of all the United States officials. Then by individual visit or inquiry make reports to the class upon the business done regularly in every such office. The work of every one of the Cabinet Departments, except the State Department, can thus be studied in California.

II. Obtain government reports from your Public Library, or direct from Washington, and from these make reports upon some feature of the department, or work out answers to some question of home interest.

III. Make reports upon the laws that govern the work of particular branches of the public service, as the postal regulations, the coinage laws, etc.

IV. Work out answers to particular questions, as the following:

1. How would you obtain a passport for foreign travel?
2. With what countries does California have the most commerce?
3. What goods are received from each one? Of what

annual value? How are they paid for? (Annual reports of the Secretary of the San Francisco Chamber of Commerce, and annual editions of the Journal of Commerce will be of use.)

4. Give instances of the payment of duties on imported goods? Where is the payment made?
5. What policy in regard to foreign trade now prevails in the United States? Find instances of duties that go to prove this.
6. Who is the Collector of Customs at your nearest port? What officers assist him or coöperate with him?
7. Who is the Collector of Internal Revenue of your district? Where is his office?
8. Find illustrations of the collection of internal revenue.
9. What metals are now coined at the United States Mint?
10. Ascertain the following facts about our coins: denominations now coined, weight, fineness, legal tender quality, amounts in circulation.
11. What is the commercial value of a silver dollar? (See silver market quotations in the daily newspapers.)
12. Are silver coins exchangeable for gold?
13. What other kinds of money are in circulation? Describe each.
14. Procure a chart of the nearest harbor. What information does it give?
15. What lighthouses are there on the coast of California?
16. What army posts are there in California? Report upon fortifications, equipment, number of men, etc.
17. What are the rates of the United States postage?

Do the postal revenues pay the expenses of the Post Office Department?

18. What are the methods of sending money by mail?
19. What vessels of the United States Navy have you seen? Give descriptions.
20. Inspect a copy of the Nautical Almanac. What information does it give? Who make use of it?
21. Has any boy of your acquaintance been appointed to the Military Academy? to the Naval Academy? If so, report upon his training.
22. What work is carried on at the navy yard at Mare Island?
23. How is a patent obtained? a copyright?
24. To whom does the United States pay pensions at the present time?
25. What Indian reservations are there in California?
26. Inspect the last report of the Commissioner of Education and report upon the kind of information therein collected.
27. Notice the reports of the Weather Bureau in the daily newspapers. To whom are these announcements valuable?
28. What work is carried on at the agricultural experiment station in California?
29. Report upon any other matters of United States executive business.
30. Do you know of anything which the United States government ought to do, and which it is not now doing? Is the work that you have observed efficiently performed? Is it done more efficiently and economically than similar work by your city or county?

Review the work of this chapter in the following form:

UNITED STATES EXECUTIVE DEPARTMENTS

DEPARTMENT OFFICIAL HEAD AND HIS FUNCTIONS	DIVISIONS AND BUREAUS	BUSINESS OF DIVISIONS	TO WHAT EXTENT INCLUDED IN CLASSIFIED SERVICE[1]

CHAPTER VI

THE LEGISLATIVE DEPARTMENT

1. Bryce, Chapters IX–XI. The Senate

Chapter IX. The Senate. Topics. — Composition of the Senate. Its functions. Equality of the states. The Senate a link between the federal and state governments. Election of senators; it has ceased to be indirect. Tenure of office; difference between large and small states. Permanency of the Senate. Money bills in the Senate. No rule of closure. Method of voting. Secrecy of executive session.

Chapter X. The Senate as an Executive and Judicial Body. Topics. — Executive functions of the Senate. In-

[1] See last report of Civil Service Commission.

fluence in foreign policy. Power of amending treaties. Control of appointments. Judicial functions. History of impeachments. Value of impeachment.

Chapter XI. The Senate: its Working and Influence. Topics. — Five aims in the creation of the Senate. Hopes fulfilled. The Senate a happy accident. At first an executive body. Present character the result of evolution. Success of the Senate. Intellectual supremacy. Source of its power. Advantage of small numbers. Comparative permanence. Explanation of superior ability. The Senate chamber. Procedure. Speeches. Wealth of senators. Social pretensions. Over-praise of the Senate. Comparison with the English houses of Parliament. The Senate a moderating power and a bulwark against agitation.

Supplementary Questions. — 1. Find the particular sections and clauses of the Constitution that establish the Senate and give it its powers. 2. Is the Senate an upper house? 3. Has state equality in the Senate been a benefit? Is it a benefit now? Can it ever be changed? (See Constitution, Art. V, end.) 4. What are the evils of the election of senators by state legislatures? Shall we adopt election by popular vote? 5. Ought the Senate to adopt a rule for closure of debate? 6. Ought the two-thirds majority for treaty ratification to be abandoned? Has it been harmful in any instance? 7. Show how the entire withdrawal of the appointive officers of the country from partisan politics would improve both the Presidency and the Senate. 8. Consult Hinsdale's American Government for exact record of impeachment cases. 9. How can a senator be removed? 10. Ought a senator to receive directions from his constituents in regard to his official acts? 11. Are Mr. Bryce's statements about the ability of the Senate true at the present time? 12. What

evidence can you find showing that public men prize a senatorship above the office of representative?

Practical Questions. — 1. Who are the present senators from California? Give a brief account of each one, — his place of residence, occupation, education, previous public service, etc. (Consult Congressional Directory.) 2. What members of the present Senate have had the greatest length of service? From what states do they come? 3. Find evidence of the Senate's power of amendment in recent tariff or appropriation bills. 4. How are Presidential appointments in California managed at the present time? How important is the influence of the senators? 5. What is California's record in regard to electing rich men to the Senate? 6. Locate the seats of the California senators. Are they well placed? (See Congressional Directory, *Senate diagram and directory*.)

2. Bryce, Chapters XII–XIII. The House of Representatives

Chapter XII. The House of Representatives. Topics. — Composition of the House. Mode of election. Apportionment. Qualification of electors. Sessions of Congress. Cost of elections. Character of members; their education and wealth. Exclusive powers of the House. Procedure in business. Seating. Methods of voting. Rules of debate. Filibustering and its checks. Crowds of bills. Comparison of the Speaker with his English example. Committees. Dignity of the Speaker's office.

Chapter XIII. The House at Work. Topics. — The hall of the Representatives. Disorder, noise, and lack of attention. Effects upon oratory and debating. Interest taken in money bills. Inferiority of many measures introduced. Lack of party discipline. Leadership of the chairman of the Ways and Means committee. The

minority. Leadership by committee chairmen. Impressiveness of the House.

Supplementary Questions. — 1. Find the sections and clauses of the Constitution that provide for the House of Representatives and the apportionment of representation. 2. What suffrage is favored for the election of representatives in Am. XIV? What was the purpose of this? Was it wise? 3. Is not the long interval between the election and the seating of a House a great evil? 4. Ascertain the meaning of "the previous question" and discuss its use in the House. 5. Find the record of some instance of "filibustering." What was accomplished by it? How can it be prevented? (Suppose that a majority of the total membership were required for passing a bill, what would be the effect?) 6. Make a study of the origin and growth of the Speaker's power. (See Follett's Speaker of the House of Representatives and Hart's Practical Essays.) 7. Make out a list of reasons why there is more oratory in the Senate than in the House. 8. What would be the gain if there were more real debating in the House? 9. What great questions are there now awaiting congressional action? Is there any evidence of inability to handle them? 10. Find a description of some European body, as the French Chamber of Deputies, or the English House of Commons, and compare with the House of Representatives.

Practical Questions. — 1. How many representatives has California? 2. What are the districts? 3. Are they equal in area? 4. In which district do you live? 5. Who is the representative? 6. For what ability or public service was he known before his election as representative? 7. What has he done in Congress? 8. What is the population of your district? 9. What is the population of Nevada? 10. Why is Nevada allowed one representative? (See Constitution, Art. I, sec. 2.) 11. How many members are there in the present House? 12. How many make a quorum? 13. A quorum

being present, how many "Yeas" will carry? 14. Who vote for representatives in California? in Colorado? in Massachusetts? (See Political Almanacs, *Suffrage*.) 15. Ascertain the ages, occupations, education, and previous public services of the present California representatives. Do the facts confirm Mr. Bryce's comments? 16. When did the present (or last) session of Congress begin? 17. Is (or was) it the long or short session? 18. Find the location of the seat of your representative in the hall. Is he well placed for gaining attention? (See Congressional Directory, *House diagram and directory*.)

Questions on Table of Apportionment

1. At each apportionment, what state has stood first in number of representatives? 2. What states have shown the most rapid increase, and at what periods? 3. What states have ever shown decline? To what causes should decline in the number of representatives be ascribed? 4. Compute the total area of the original states, and determine the average area for one representative. Find the average at the present time. Is it greater or less than at the beginning? 5. At the beginning the ratio of representatives to population was estimated at 1 to 30,000; what is that ratio now? 6. What states have now the greatest density of population? 7. In the original apportionment, what was the smallest number of states that together had a majority of the representatives? Was there real ground for the fears of the small states, as exhibited in the constitutional convention? 8. Compare the representative strength of the seceding with that of the Union states in 1862. 9. Compute the representative strength of each of the five groups of states as given by Mr. Bryce, p. 287. The total membership of the House remaining the same, which group will show an increase after the next census? 10. Upon what conditions must any further gain by California depend? 11. Make use of the following table for similar questions on presidential elections.

Table showing Apportionment of Representatives

(See Lalor's Cyclopedia, Article Apportionment.)

States in the Order of their Ratification of the Constitution or Admission to the Union	Area sq. m.	Year of Admission	Number of Census													Population	
			I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII			
			Apportionment of Representatives														
			1787	1792	1802	1811	1822	1832	1842	1850	1862	1872	1883	1892	190–	1890	1900
Delaware	2,050	1787	1	1	1	2	1	1	1	1	1	1	1	1		168,493	
Pennsylvania	45,215	1787	8	13	18	23	26	28	24	25	24	27	28	30		5,258,014	
New Jersey	7,815	1787	4	5	6	6	6	6	5	5	5	7	7	8		1,444,933	
Georgia	59,475	1788	3	2	4	6	7	9	8	8	7	9	10	11		1 837,353	
Connecticut	4,990	1788	5	7	7	7	6	6	4	4	4	4	4	4		746,258	
Massachusetts	8,315	1788	8	14	17	20	13	12	10	11	10	11	12	13		2,238,943	
Maryland	12,210	1788	6	8	9	9	9	8	6	6	5	6	6	6		1,042,390	
South Carolina	30,570	1788	5	6	8	9	9	9	7	6	4	5	7	7		1,151,149	
New Hampshire	9,305	1788	3	4	5	6	6	5	4	3	3	3	2	2		376,530	
Virginia	42,450	1788	10	19	22	23	22	21	15	13	11	9	10	10		1,655,980	
New York	49,170	1783	6	10	17	27	34	40	34	33	31	33	34	34		5,997,853	
North Carolina	52,250	1789	5	10	12	13	13	13	9	8	7	8	9	9		1,617,947	
Rhode Island	1,250	1790	1	2	2	2	2	2	2	2	2	2	2	2		345,506	
Vermont	9,565	1791		2	4	6	5	5	4	3	3	3	2	2		332,422	
Kentucky	40,400	1792		2	6	10	12	13	10	10	9	10	11	11		1,858,635	
Tennessee	42,050	1796		(1)[1]	3	6	9	13	11	10	8	10	10	10		1,767,518	
Ohio	41,060	1802			(1)	6	14	19	21	21	19	20	21	21		3,672,316	

Louisiana	48,720	1812				(1)	3	3	4	4	5	6	6	6		1,118,587
Indiana	36,350	1816				(1)	3	7	10	11	11	13	13	13		2,192,404
Mississippi	46,810	1817				(1)	1	2	4	5	5	6	7	7		1,289,600
Illinois	56,650	1818				(1)	1	3	7	9	14	19	20	22		3,826,351
Alabama	52,250	1819				(1)	3	5	7	7	6	8	8	9		1,513,017
Maine	33,040	1820				(7)	7	8	7	6	5	5	4	4		661,086
Missouri	69,415	1821					(1)	2	5	7	9	13	14	15		2,679,184
Arkansas	53 850	1836						(1)	1	2	3	4	5	6		1,128,179
Michigan	58,915	1837						(1)	3	4	6	9	11	12		2,093,889
Florida	58,680	1845							(1)	1	1	2	2	2		391,422
Texas	265,780	1845							(2)	2	4	6	11	13		2.235,523
Iowa	56,025	1846							(2)	2	6	9	11	11		1,911,896
Wisconsin	56,040	1848							(2)	3	6	8	9	10		1,686,880
California	158,360	1850							(2)	2	3	4	6	7		1,208,130
Minnesota	83,365	1858								(2)	2	3	5	7		1,301,826
Oregon	96,030	1859								(1)	1	1	1	2		313,767
Kansas	82,080	1861									1	3	7	8		1,427,096
West Virginia	24,780	1863									(3)	3	4	4		762,794
Nevada	110,700	1864									(1)	1	1	1		45,761
Nebraska	77,510	1867									(1)	1	3	6		1,058,910
Colorado	103,925	1876										(1)	1	2		412,198
North Dakota	70,795	1889											(1)	1		182,719
South Dakota	77,650	1889											(1)	2		328,808
Montana	146,080	1889											(1)	1		132,159
Washington	69,180	1889											(1)	2		349,390
Idaho	84,800	1890											(1)	1		84,385
Wyoming	97,890	1890											(1)	1		60,705
Utah	84,970	1896												(1)		207,905
Totals	3,602,720[2]		65	105	141	181	212	240	223	234	241	292	325	356		62,831,900[2]

[1] Figures in parenthesis indicate representatives added after apportionment and not counted in the totals.

[2] Including Alaska and territories, but not Hawaiian Islands.

3. Bryce, Chapters XIV–XVIII. Congressional Powers and Methods

Chapter XIV. The Committees of Congress. Topics.— History of standing committees. Senate committees. House committees. Mode of appointment. Reference and consideration of bills. Secrecy of meetings. Results of the system.

Chapter XV. Congressional Legislation. Topics. — Classification of legislation. Points of criticism. Present English methods in legislation. Comparison of American methods. Judgments expressed. Value of Senate revision and of review by the President.

Chapter XVI. Congressional Finance. Topics. — Sources of revenue. The English budget. Reports of United States Secretary of the Treasury. Discussion of revenue measures. Division in the management of appropriations. History of revenue bills. Results of American methods. How the war debt has been paid off. Congressional extravagance.

Chapter XVII. The Relations of the Two Houses. Topics. — Reasons for having two houses. Comparison of membership. The large and the small states. Cause of real differences between the houses. European objection to a second chamber. Equality and coördination of the houses. Greater strength of the Senate.

Chapter XVIII. General Observations on Congress. Topics. — Three important points in the discussion of Congress. Reasons for the district election of representatives. Resulting evils. Pay of congressmen. Conditions of congressional tenure. Democratic notions about offices. Efficiency weakened by frequency of elections.

Numbers compared. Attention to duties. Lack of opportunity for distinction. Chances for the Presidency. English methods of leadership. American caucus system. Party spirit.

Supplementary Questions. — 1. Can the evils of the committee system be corrected without changing the form of the government? 2. Can any better way be suggested of bringing about coöperation between the legislative and the executive departments? of directing legislation? 3. Under what circumstances is a system of committees valuable? (Consider the proceedings of a convention, the work of a High School Athletic Association, etc.) 4. What is the conclusion worked out from the comparison of English and American methods in legislation? 5. Ought not a far greater allowance to be made for the scrutiny of House bills in the Senate, and *vice versa?* 6. Can you bring forward any specific evidence of unsuitable legislation by Congress? 7. Would the English system in our country give any better results? 8. What reforms are needed in our management of revenue and expenditures? 9. Are any constitutional governments at the present time maintained with a legislature of a single house? (See Statesman's Year Book.) 10. Can you find any instance where the bills, or resolutions, of one house have been improved by amendments in the other? 11. Are you in favor of maintaining both houses of Congress as they are now constituted? 12. Compare the relations of our Senate and House with the relations of the corresponding bodies in Germany or France. 13. Shall we dispense with the popular requirement that congressmen must be residents of their districts? 14. What would be the effect of abolishing the pay of congressmen? 15. How can the notion be corrected that one man is as fit as another for office? 16. Ought the term of representatives to be lengthened? 17. What Presidents have served in Congress? 18. Why are caucuses necessary?

Practical Questions. — 1. On what standing committees are the senators from California? the congressman from your district? (See Congressional Directory.) 2. From Treasury reports ascertain the amounts of revenue and expenditure for recent years. Determine the following: *a*. What are the chief sources of revenue? *b*. What are the chief items of expenditure? *c*. In case a deficit is shown in balancing, could it have been prevented? *d*. What is the present condition of the debt? *e*. Ought the debt to be paid off? *f*. What lines of expenditure are increasing most rapidly? *g*. Is this desirable? 3. What is the smallest list of states that together have a majority of the representatives? Are they ever likely to combine upon a particular measure? Reasons why there has never been a collision between large and small states.

4. Illustrations of United States Legislation

The general laws of the United States are accessible as follows:

United States Revised Statutes, 2d ed., 1878.
Supplement to the Revised Statutes, 1st ed., 1881.
Supplement to the Revised Statutes, 2d ed., 1891.

Abstracts of the statutes upon particular topics, as Naturalization, Copyright, etc., are printed in many forms, notably Political Almanacs, annually published by many newspapers, *e.g. The New York World.*

The acts of Congress from year to year are published under the direction of the Secretary of State, as follows:

1. Statutes of the United States, for each session of Congress.
2. United States Statutes at Large, for each Congress.

Each of these publications contains all the acts of Congress, together with all joint resolutions, recent treaties entered into by

the United States, and important executive proclamations. Acts of Congress are arranged under two groups, — "Public Laws of the United States" and "Private Laws of the United States."

Copies of the United States Statutes may commonly be found in public libraries, distributed by the government.

The full text of current legislation is often supplied by the newspapers, especially in the form of extra editions or supplements, *e.g.* "War Revenue Law" and "Bankruptcy Law," 1898, published in full by the *Brooklyn Eagle*.

From these sources look up and make reports upon the form and contents of the legislation on such topics as the following: Army, Navy, Militia, Flag and Seal, Citizenship, Coinage, Territories, Public Lands, Postal Service, Naturalization, Regulation of Commerce, Navigation, Merchant Seamen, Coast Survey, Patents, Tariff, Internal Revenue, District of Columbia.

Review the work of this chapter in the following forms:

CALIFORNIA'S REPRESENTATION IN CONGRESS

REPRESENTATIVES

DISTRICTS (Give list of counties)	REPRESENTATIVE 18—	RESIDENCE	PROFESSION AND PREVIOUS PUBLIC SERVICE
I.			
II.			
III.			
IV.			
V.			
VI.			
VII.			

SENATE

Senators	Date of Election — Term	Residence	Profession and Previous Public Service

Work of Present Congress

1. Important bills introduced.
2. Laws enacted.
3. Resolutions or other congressional acts.

CHAPTER VII

THE LEGISLATURE AND THE EXECUTIVE

1. Bryce, Chapters XIX, XX. The President and Congress

Chapter XIX. The Relations of Congress to the President. Topics. — The President's message. Custom of written messages. Isolation of the executive officers from Congress. Means of influencing Congress. Power of committees to command information. Intimidation of the President, and his defence. Control of appropriations. "Riders." Veto of particular clauses.

Chapter XX. The Legislature and the Executive. Topics. — Fundamental characteristic of the national gov-

ernment. Legislative absorption of the executive. Three correctives. Policy of the founders. The real results. The veto a protection to the executive. Foreign affairs. The President's strength. Balance of powers a success.

Supplementary Questions. — 1. Find examples in history of Congress attempting to coerce the President; of the President attempting to control Congress. How far were these attempts successful? Did they lead to permanent results? 2. How can the management of finance be improved? 3. Why do we not amend the Constitution, as suggested by President Hayes? 4. Is the separation and balancing of the departments a mistake? 5. Show how the encroachment of a legislature upon the executive is illustrated in English history. Is it found in any other history? 6. Why were the founders so terribly afraid of a strong executive? What traces of this fear still survive? 7. Does Mr. Bryce overestimate the power of the veto? 8. What gave Cæsar his superiority over the Roman Senate? Cromwell over the Parliament? Are these instances apropos in America? 9. Suppose that senators were popularly elected and the President were given power to dissolve Congress, — a new election to follow at once, — should we not have a preventive of legislative encroachment? Would you favor this innovation?

Practical Questions. — 1. What members of the present Cabinet have served in Congress? 2. Can any greater efficiency or influence be traced to this experience?

2. References on the English Ministerial System

Sears. Governments of the world to-day, 73–97.
Fonblanque. How we are governed, letters v–viii.
Smith. English parliament, II: 581–599.
Macy. English constitution, ch. vi.
Wilson. The state, sec. 678, etc.

Amos. English constitution.

Escott. England, ch. xxii (House of Commons); ch. xxiii (House of Lords).

Daryl. Public life in England, 89–178.

Good form in England, ch. iv.

Porritt. The Englishman at home.

Taylor. Origin and growth of the English constitution, bk. vii.

Bagehot. English constitution.

Medley. English constitutional history.

Todd. Parliamentary government, vol. II.

Anson. Law and custom of the constitution, 2 vols.

See also Statesman's Year Book and Whitaker's Almanac.

Questions for Essay Work or Debate

1. Ought the congressional committee system to be abandoned?
2. Does the country need a stronger executive?
3. Ought the Speaker to be considered a Premier?
4. Is the English Parliament more responsive to popular will than the American Congress?
5. Should the cabinet officers be members of Congress?

CHAPTER VIII

THE JUDICIAL DEPARTMENT

1. Bryce, Chapter XXI. The Federal Courts

Topics. — Need of federal courts. Merits of the system. Organization. The Supreme Court. Need of life tenure. Sessions of the Supreme Court. The Cir-

cuit Courts. The District Courts. Claims. Jurisdiction of federal courts. Appeals from state courts. Cases of ambassadors; admiralty; controversies of the United States; controversies between states or citizens of different states. Amendment XI.[1] Original jurisdiction of the Supreme Court. Relation of the state courts. Criminal jurisdiction. Procedure. Ministerial officers. The district attorney. Complexity of our twofold system of courts.

Supplementary Questions. — 1. Consult the Constitution, Art. III, and the amendments for every point in regard to the courts. 2. So far as possible find illustration of jurisdiction by means of actual cases. 3. What is said in the Constitution about jury trials?

Practical Questions. — 1. Ascertain the present membership of the Supreme Court and report any facts available in regard to the justices. 2. What states compose the Ninth Circuit? Who are circuit judges therein? 3. What District Courts are there in California? their location? names of the district judges, attorneys, and marshals? (See Political Almanacs.) 4. How are attorneys and marshals appointed, and what is their tenure? 5. Has the United States any jails? What does it do with its prisoners? 6. Who serve as jurymen? 7. Are there United States grand juries? 8. In 1893 the Attorney-General of California brought suit (original) in the United States Supreme Court against the Southern Pacific Railroad Company of Kentucky for the possession of property known as the Oakland Water Front. How was this possible? After the city of Oakland had been allowed to show that it was interested in the matter, the court dismissed the case. Why? (See Report of Attorney-General of California, 1893–4, pp. 7–12; 1895–6, p. 14.)

[1] See *Chisholm* v. *The State of Georgia*, under sec. 4, below.

2. Bryce, Chapter XXII. The Courts and the Constitution

Topics. — Nature of an American constitution. Differences between England and the United States. Position of Congress. Function of the courts as regards acts of Congress. As regards state law. Four kinds of American law. The business of the courts to determine when a conflict exists. Origin of this function. The people and the judges. Importance of judicial interpretation. Constitutional progress. The federal judiciary an elegant system.

Supplementary Questions. — 1. Upon which branch of our government has the success of our Constitution mainly depended? 2. Show how a written constitution grows, — how it really undergoes unwritten expansion. 3. How would greater freedom of amendment affect this development? 4. Why must the courts always wait for questions to come to them? 5. What other methods of settling constitutional questions have been put forward or attempted, — *e.g.* Nullification? Report upon them.

Practical Questions. — 1. What is the supreme law of our land? (Constitution, Art. VI.) 2. Who are bound to support it? 3. Is it binding upon you? What duties does it or may it impose upon you?

3. Bryce, Chapter XXIII. The Working of the Courts

Topics. — The courts and politics. How the dignity of the courts has been maintained. No interference in questions of government policy. Occasional collisions between the courts and the executive. Professional spirit. Personal eminence of judges. Political attacks on the Supreme Court. Case of the Cherokee Indians

in Georgia. The Dred Scott case.[1] The legal tender cases.[2] The Electoral Commission. High character and dignity of the Supreme Court. The lower courts. The Supreme Court and public opinion. History of the chief-justiceship. How Congress and the President might override the court.

Supplementary Questions. — 1. Bring in biographical sketches of the Chief Justices, showing particularly the influence of each one in determining the policy of the Supreme Court. (The list is as follows: John Jay, 1789–1795; John Rutledge, 1795; Oliver Ellsworth, 1796–1800; John Marshall, 1801–1835; Roger B. Taney, 1836–1864; Salmon P. Chase, 1864–1873; Morrison R. Waite, 1874–1888; Melville W. Fuller, 1888–.)[3] 2. Report upon the part of the judges in the Electoral Commission of 1877. (See Lalor's Cyclopedia. Article on Electoral Commission.) 3. Is there any evidence now of encroachments of the federal courts upon the other branches of the government? 4. Is our state judiciary ill paid?

4. Noted Federal Decisions

The following list of cases decided by the Supreme Court of the United States is taken from among those referred to in Channing

[1] For the opinions of the court in the Dred Scott case, see American history leaflets, No. 23; MacDonald, Select documents, No. 91; and references therein mentioned. The decision is found in the Supreme Court Reports, 19 *Howard*, 393. Abridgment in Thayer's Cases on constitutional law, I: 480.

[2] For the opinions in the legal tender cases, see Thayer's Cases on constitutional law, II: 2215-73.

[3] References: Hitchcock, Constitutional Development as influenced by Chief Justice Marshall; and Biddle, Constitutional Development as influenced by Chief Justice Taney, — both in University of Michigan Political Science Lectures, 1889. Flanders, Lives of the Chief Justices, 2 vols. (Jay to Marshall). See also National Cyclopædia of American Biography; Appleton's Cyclopædia of American Biography; and individual biographies.

and Hart's Guide, § 185. These decisions belong to the earlier history of the court, and were all of importance in settling constitutional questions and in determining the powers of the national government. If the decisions are accessible to pupils, it will not be going beyond the capacity of an advanced class to assign a case to a pupil for individual study and a written report to the class. This report should cover the following topics: —

1. Statement of the facts of the case.
2. The constitutional questions involved.
3. A summary of the argument upon each question.
4. A statement of the effect of the decision upon the national government (or upon the states).

The material referred to below is as follows:

United States Supreme Court Reports, cited, as is customary for reports previous to 1882, by the name of the court reporter, *e.g.* 2 Dallas, 419; the first number standing for the volume, the second for the page.

Thayer. Cases on constitutional law, 2 vols. — a most valuable work, containing selected decisions somewhat abridged, arranged by subjects, and annotated.

Boutwell. Constitution at the end of the first century, — states the most important cases briefly, and shows the constitutional effect of the decision.

The date of the decision is given below with each case.

List of Cases

1. Limiting the Powers of the States

1793. *Chisholm* v. *The State of Georgia*. 2 Dallas, 419. Decided that the Constitution allowed a state to be sued in the federal courts by a citizen of another state. See Bryce, p. 174. Argument as quoted at length in a later case in Thayer, I: 295. Boutwell, ch. xxxviii.

1810. *Fletcher* v. *Peck.* 6 Cranch, 87.

Brought the prohibition of a law impairing the obligation of contracts (Constitution, Art. I, sec. 10) to bear upon the acts of a state legislature. Thayer, I: 114–123. Boutwell, ch. xxiii.

1816. *Martin* v. *Hunter's Lessee.* 1 Wheaton, 304.

Declared an act of a state legislature unconstitutional. This decision contains a valuable discussion of the relation of a state to the union. Thayer, I: 123–132. Boutwell, ch. lix.

1819. *Sturges* v. *Crowninshield.* 4 Wheaton, 122.

Declared an act of a state legislature unconstitutional. This decision discusses the principles of construing the Constitution. Thayer, I: 268–270. Boutwell, 207, 255.

1819. *Trustees of Dartmouth College* v. *Woodward.* 4 Wheaton, 518.

Set aside state laws impairing the obligation of contracts. Thayer, II: 1564–1579. Boutwell, ch. xxviii.

1832. *Worcester* v. *The State of Georgia.* 6 Peters, 515.

Upheld the authority of the United States against state officers in matters relating to an Indian tribe, and declared an act of a state legislature void, as being repugnant to the Constitution. See Bryce, pp. 193, 281. Thayer, I: 583. Boutwell, ch. xxiv.

2. Declaring Acts of Congress Void

1803. *Marbury* v. *Madison.* 1 Cranch, 137.

Upheld the supremacy of the written Constitution. Thayer, I: 107–114. Boutwell, 486, 589.

3. Implied Powers asserted

1796. *Hylton* v. *United States.* 3 Dallas, 171.

Decided that Congress had authority to impose a tax upon carriages. Full discussion of the powers of taxation conferred upon Congress by the Constitution. Thayer, II: 1315. Boutwell, § 82.

1819. *M'Culloch* v. *The State of Maryland.* 4 Wheaton, 316.

Decided that the incorporation of the United States Bank was constitutional, and that the law of Maryland, taxing the bank, was void. Thayer, I; 271–285. Boutwell, ch. viii.

Using the facts ascertained in the study of this chapter, write out the following:

SCHEDULE

UNITED STATES JUDICIARY AS SEEN IN CALIFORNIA

COURTS	TERRITORY	LOCATION OF COURT	JUDGES AND OTHER OFFICERS	RESIDENCE	PREVIOUS PUBLIC SERVICE
Northern District Southern District					
Ninth Circuit					
Circuit Court of Appeals					
Supreme Court					

RECORD OF RECENT CASES OR ANY ITEMS OF JUDICIAL BUSINESS

Let the pupil fill out a record from his own observation or from newspaper reports.

CHAPTER IX

THE FEDERAL SYSTEM

1. Bryce, Chapter XXIV. Comparison of the American and English Systems

Topics. — The problem of an executive. Ideas of the American founders. Three main conclusions. Protection of the executive. Relation of the courts. Results. Encroachments of the legislature. English methods of adjusting the legislature and the executive. American methods. Difference of doctrine. Suggested changes. History of conflicts between Congress and the President. Party government. Summary of the results of the system of separation. An aptitude for politics the strength of America.

Supplementary Questions. — 1. Report a full historical account of each one of the contests mentioned between the President and Congress. 2. Can additional instances be found in the repeal of the Silver-purchasing Act in 1893, or in the Declaration of War against Spain in 1898? 3. Should the executive secretaries be given seats in Congress? 4. State reasons why the union of the executive and the legislature is satisfactory in England. 5. State reasons why the legislature and the executive are separated in America.

2. Bryce, Chapters XXV–XXVI. The United States Federal System

Chapter XXV. General Observations on the Frame of National Government. Topics. — Criticism of the system of electing the President, — pivotal states, waste of time

and energy, risk of failure to elect, discontinuity of policy, uselessness of the Vice-President. Defects in Congress. Lack of true leadership. All defects reducible to two, — excessive friction and want of executive unity. Four essentials of a representative system, — are they secured in the American system? Congress and the voters. Independence of the judiciary. Two main principles of American government. European difficulties from which America is free. Success of the national government.

Supplementary Questions. — 1. Point out the evidence that has been presented for each specific criticism in this chapter; state whether the criticism is well founded or not; suggest what remedy can be found for each defect pointed out. 2. Is America to continue "in a world of her own"? If not, what changes in governmental methods will be required?

Chapter XXVI. The Federal System. Topics. — Two points of conflict in 1787. Questions settled by the Civil War. Distribution of powers between the national and state governments. Classes of powers. Nature of national powers. Nature of state powers. Powers exercised concurrently. Prohibitions on the national government. Prohibitions on the states. Exceptions and want of uniformity. State powers original. National powers delegated. National authority over citizens. States not dependent. Relation of the national government to the states. Legal supremacy of the states. Remarkable omissions in the Constitution.

Supplementary Questions. — 1. Search out the particular clause in the Constitution for each one of the prohibitions on the national government; on the states. 2. Suppose that

a state should fail or refuse to send representatives to Congress, could the national government do anything? 3. Would it have been proper to provide for coercing a state? 4. Would any good have been accomplished by a constitutional clause forbidding secession?

3. Bryce, Chapter XXVII. Working Relations of the National and the State Governments

Topics. — Means of adjustment between the United States and the states. Working relations. Points of contact. How the states help form the national government. Power of federal courts over the states. Power of Congress over the states. Method of determining authority. The recent constitutional amendments. Interference in a state by the President. Enforcement of civil rights. Disturbances. The United States and its citizens. Order of obedience. Limits of judicial authority. State judges not bound by federal decisions. Federal authority direct. Means of enforcing. Resistance by state officers. Resistance to the Embargo Acts, etc. Settlements by the Civil War.

Supplementary Questions. — 1. Look up the constitutional provision for each point in which the states help to form the federal government. 2. Is there any jealousy now toward federal legislation or federal interference? 3. What was the value of the federal support to California authorities in the railroad strike of 1894? 4. Report the history of each case mentioned of resistance to federal law. 5. Was civil war necessary to decide the questions of state rights? 6. Why has centralization been so much feared? 7. Is centralization now in progress?

4. Bryce, Chapters XXVIII–XXIX. Defects and Merits of Federalism

Chapter XXVIII. Criticism of the Federal System. Topics. — Necessity of a federal system. The faults commonly charged. Their causes. Management of foreign relations. Weakness in domestic government. Liability to dissolution. States combined into groups. Lack of uniformity in private law. The struggle over slavery.

Supplementary Questions. — 1. Was any form of national government but federalism possible in 1789? 2. What was its real alternative? 3. Find instances of equally serious evils in the history of centralized states. 4. Do not the faults pointed out belong rather to the imperfections of our national life rather than to the federal form of government?

Chapter XXIX. Merits of the Federal System. Topics. — Two lines of argument in behalf of federal government. Arguments in behalf of Federalism proper. Arguments in behalf of local self-government. Further benefits. Conclusions drawn from American experience. Problem of all federal governments. Explanation of American success.

Supplementary Questions. — 1. Do our people value highly the separate authority of the state of California? 2. Do our people value highly the opportunities of local self-government? 3. What is the effect of national politics upon separate state action? upon local self-government? 4. Show how the French Revolution of 1789 illustrated the evils of inexperience in local self-government? 5. Make a list of the merits of our federal system. 6. Can you add anything to Mr. Bryce's comments on either the faults or the merits of Federalism?

5. References on Other Federal States

Statesman's Year Book. Accounts of constitutions of the following: Argentine Republic,[1] Brazil, Germany, Mexico, Netherlands, Peru, Switzerland, Venezuela.

Report upon such of the above states as are described in the following works:

Sergeant, ed. Government year book.

Wilson. The state.

Hart. Federal government.

Freeman. History of federal government (Greece and Italy).

See also cyclopedia articles as follows:

Lalor. Cyclopedia. Article on Confederation.

Encyclopedia Britannica. Article on Federal government.

Johnson's Cyclopedia. Article on Federation.

CHAPTER X

DEVELOPMENT OF THE CONSTITUTION

1. Bryce, Chapter XXX. Amendment of the Constitution

Topics. — Two methods of proposing amendments. Two methods of adoption. One exemption from amendment. Classification of the amendments already added. Difficulty of carrying amendments. Advantages.

[1] Copies of the constitutions of these states (in English) in New York Constitutional Convention Manual, 1894, Pt. II: vol. III.

Supplementary Questions. — 1. Show the benefit of having two ways of originating, and two ways of enacting, amendments. 2. Read the amendments in connection with the chapter, and report on the following questions. *a*. Make a list of the personal rights guaranteed in the first ten amendments. *b*. Why was not this declaration of rights included in the original document? *c*. Was the Constitution improved by these ten amendments? *d*. Do any of these provisions apply to the state governments? *e*. Relate the circumstances of the eleventh amendment, and point out precisely what change it produced. *f*. Relate the circumstances of the twelfth amendment, and state precisely what change it produced. *g*. Relate the circumstances of the thirteenth amendment; why was it necessary? *h*. How many distinct matters are dealt with in the fourteenth amendment? How many of its provisions affect state governments? What method is used to influence the suffrage laws? What suffrage is favored? *i*. Was there any need of the fifteenth amendment? Is it consistent with the fourteenth? Has it been enforced? 3. Is it reasonable to expect to accomplish reforms in the country by means of constitutional amendments? (*e.g.* temperance reform.) 4. Read Lalor's Cyclopedia, Article on Amendments, I: 607–610. Make a written summary.

2. Bryce, Chapters XXXI–XXXIII. Development of the Constitution

Chapter XXXI. Interpretation of the Constitution. Topics. — Brevity of the Constitution. Necessity of interpretation. The interpreting authorities. The courts and their province. Expansion by construction. Marshall's principles of construction, — powers must have been granted; powers granted must be broadly construed. Three lines of development, — taxation, regulation of commerce, war powers. Assumption of power by

the executive or Congress. Purchase of Louisiana. Embargo acts. Powers used in dealing with secession. Restraint of the interpreting authority, — by the character of the courts, by public opinion. Prevalence of legal discussion. Political parties associated with constitutional views. True relation of constitutional questions. Results of discussion.

Supplementary Questions. — 1. Show how the form and language of the Constitution bear evidence of the wisdom of its framers. 2. Find an example of some constitutional question that has been settled by the courts; of one that has been settled outside the courts. 3. Gather from party platforms all expressions in regard to interpretation of the Constitution, and state what parties have favored a broad, and what ones a strict, construction. (See Cooper, American Politics, and McKee, ed. Political Platforms, Statistical Publishing Co., Washington.) 4. Are any living questions still debated on constitutional grounds? 5. Read Lalor's Cyclopedia, Article on Construction, I: 612–613, and compare with Bryce.

Practical Questions. — 1. What parties are now in existence having a national organization? (See Political Almanac.) 2. Does any one of these parties stand for strict construction? 3. Point out some act of the present Congress that proves acceptance of a broad construction. 4. Was this measure opposed in Congress? 5. Was the opposition on constitutional grounds? If not, why not? (See also References on "Interpretation of the Constitution" in Chapter XX, below.)

Chapter XXXII. Development of the Constitution by Usage. Topics. — Expansion of the Constitution by creation of new machinery. Modes of action that have been supplied: (1) by legislation; (2) by usage. Illustration of this development. Expansion of the suffrage.

The higher law than the Constitution. The Constitution changes with the nation.

Supplementary Questions. — 1. Compare the American (or written) with the English (or unwritten) Constitution. In what points is there difference in character; in what ways are they the same? 2. What advantages has an unwritten constitution over a written? 3. What advantages has a written constitution over an unwritten? 4. Why is it better for new constitutional ideas to be developed slowly with the growth of the nation, than to have the Constitution subject to frequent written amendments? (Consider France in the Revolutionary period.) 5. Read Tiedeman's The Unwritten Constitution of the United States, esp. chs. xi, xii.

Chapter XXXIII. Results of Constitutional Development. Topics. — The force of time and habit. The original scheme of checks and balances. The struggle of every office to extend itself. Results thus developed, — the President, the Cabinet, Senate, Vice-President, Speaker, committee chairmen, the judiciary. Comparison with English political growth. The struggle between the National government and the states. Victory for the former. How the victory has been won. Underlying causes, — economic, moral. Real value of the written constitution. It has been a conservative influence.

Supplementary Questions. — 1. What is in reality the full extent of our constitutional history? Does it begin with 1789? 2. With what spirit and interest should we study our Constitution and our history? 3. What are our duties as citizens?

From the work done in Part II, write out the following:

General Survey

The National Government of the United States

1. Scope of the federal government.
2. Position and power of the states. (See Am. X, Constitution of the United States.)
3. Position of the terrritories.

4. Organization of the United States

Parts of the Government	Description, including Election, Tenure, etc.	Names of Officers or Persons, for Example	Powers and Duties		
			In Finance and Legislation	In Justice and Administration	In War and Foreign Relations
I. *Legislative*					
Congress { House					
Congress { Senate					
Congress { Vice-President					
II. *Executive*					
President					
Cabinet					
Civil Service					
Diplomatic Service					
Army					
Navy					
III. *Judicial*					
Supreme Court					
Other Courts					
IV. *Electors*					
(Those who choose Representatives)					
V. *Citizens*					

PART III

THE STATE GOVERNMENTS

CHAPTER XI

THE STATE AND ITS CONSTITUTION

1. Bryce, Chapter XXXIV. Nature of the American State

Topics. — Different origins of the early states. Natural groups of the present states. Characteristics of each group. Influences toward uniformity. State boundaries. Similarity of constitutions. Movement of population. Influence of communication. Influence of political parties. Parts peculiar to each state. Three important points, — states control voting; states have absolute control over local communities; states command allegiance of citizens. Doctrine of original sovereignty. Varying theories of sovereignty. What now are the rights of the states? Jefferson's opinion of the National government. Double allegiance of American citizens.

Supplementary Questions. — 1. Are the state groups given by Mr. Bryce based on geography? on industries? on social conditions? 2. Point out further differences between the groups. Consult the United States Census for facts in regard to industries, wealth, density of population, illiteracy, etc. 3. Examine the boundaries of California. To what

extent are they natural? Could they be improved? 4. Is California a unit within itself? Consider industrial interests, means of communication, etc. What interests have the people of Sierra County in common with the people of Colusa County? How must one travel from Sacramento to reach the county-seat of Modoc County? of Inyo County? 5. Describe California topographically. 6. Describe the climatic regions of California. (See Climatic Maps.) What differences in natural products correspond with these regions? 7. Do the people of California copy the methods of other states in public affairs? 8. Show what the government of California has to do with the management of your school. Does the United States government have anything to do with it? 9. Are you a citizen of California? As such, what does California require of you? Compare with your duties to the United States. Is there any danger of conflict?

2. History of California

Brief Outline

The earliest history of California belongs to the subject of Spanish exploration and settlement in North America. The beginning of successful colonization was made under the auspices of Franciscan monks, who, from 1769 to 1823, established a chain of missions in the valleys of the coast region from San Diego to San Rafael. Pueblos or municipalities, organized under Spanish colonization laws, were established in this region. (For the extent of Spanish settlement, see map of California in Bancroft. California, vol. I.) Ocean traffic in the first half of the century brought American ships to the ports of San Diego, Monterey, and San Francisco, and a few citizens of the United States came here to

live. It is said that about thirty hunters, who had worked their way overland into California, had made more or less permanent homes here before 1835. Thomas O. Larkin, a native of Massachusetts, came to California in 1832, and became the owner of a store in Monterey. In 1844 Larkin was appointed consul by the United States government. Between 1839 and 1846 a number of Americans settled in the Sacramento Valley. The most prominent of these was Captain John A. Sutter, a native of Germany, but of Swiss family, and a citizen of the United States by naturalization, who received a grant of land in 1841, and built the fort which still stands within the present limits of the city of Sacramento. The war between the United States and Mexico brought with it the acquisition of California by the United States, and the rush of population following the discovery of gold deposits in the old gravel beds of the Sierras compelled the organization of state government under the constitution of 1849. After numerous amendments, a new constitution was drafted and adopted in 1879, which, with its amendments, is still the fundamental law of the state.

Population of California

1790 to 1846, estimates of *white* population given by Bancroft; later figures from United States Census.

1790	990	1850	92,597
1800	1,800	1860	379,994
1810	2,130	1870	560,247
1830	4,250	1880	864,694
1840	5,780	1890	1,208,130
1846	8,000 to 12,000	1900	———

Growth in Wealth as Shown by Assessed Valuation of Property

(Taken from Chronicle Almanac, 1899. See also reports of Board of Equalization and State Controller.)

Year	Total Assessed Valuation	Assessed Value of Personal Property	Percentage of Personal Property	Rate of State Tax
1850	$57,670,689	$13,968,797	24.22	$0.50
1860	148,193,540	68,369,383	46.06	0.60
1870	277,538,134	108,001,588	38.90	0.865
1880	666,399,985	174,514,906	26.18	0.64
1890	1,101,137,290	169,489,475	15.39	0.58
1898	1,130,885,697	128,855,959	11.39	0.488
1899				
1900				

Questions. — According to these figures, which shows the greater increase, real estate or personal property? What is the probable explanation of this? What proportion of the state taxes in 1898 was borne by real estate? Why should the rate of tax vary from year to year? Compare the increase of wealth with the increase of population since 1850.

References on the History of California

Bibliography

Winsor. America, VIII: 254–261.

Bancroft. California. See "Pioneer register and index," in vols. II–V.

Bancroft. California pastoral, ch. xxii.

I. Spanish California (to 1846)

Accounts of the Spanish colonization of California, and of California life to the time of American settlement. Works in Spanish not included.

General Works

Royce. California, ch. i.
Winsor. America, VIII: 210–232.
Hittell. California, I: bks. iii, iv; II: bks. v, vi.
Bancroft. California, vols. I–IV.
McClellan. Golden state, chs. i–v.
Norman. California, chs. v–xi.
Tuthill. California, chs. vi–xiii.

Special Topics and Magazine Articles

Doyle. History of the "Pious Fund" (foundation of the missions).

Dwinelle. Colonial history of San Francisco (record of land grants).

Blackmar. Spanish colonization. (In Johns Hopkins University Studies, VIII: No. iv.)

Hittell. California under the friars. Californian (May, 1881), III: 432.

Stillman. Footprints of early California discoverers. Overland (March, 1869), II: 256.

Victor. Studies of the missions. Californian (May, June, July, 1882), V: 289, 514; VI: 15.

Shinn. Spanish-Californian schools. Educational Review (June, 1893), VI: 30.

Early or Partly Contemporary Works

(The date of publication is given in parenthesis after each title.)

Bryant, E., What I saw in California (1849). *Dana, R. H.*, Two years before the mast (1840). *Capron, E. S.*, California, pt. i, ch. i (1854). *Davis, W. H.*,

Sixty years in California (1889). *Farnham, T. J.*, Life and adventures in California (1846). *Forbes, A.*, California (1839). *Fremont, J. C.*, Geographical memoir (1849). *Frost, J.*, California, chs. ii–iv (1850). *Robinson, A.*, Life in California (1846). *Soule and others*, Annals of San Francisco, pt. i (1854).

II. American Settlement (1846–1850)

Accounts of the coming of Americans, of the acquisition of the land in the Mexican war, of the influx of population after the gold discovery, and of the organization of state government in 1849–1850.

Royce. California, chs. ii–iv.
Hittell. California, II: bk. vii.
Bancroft. California, V; VI: chs. i–xiii.
Tuthill. California, chs. xiv–xvi.
McClellan. Golden state, chs. vi–ix.
Bryant. California, chs. xxvi–xxxv.
Norman. California, chs. xii–xiv.
Frost. California, chs. v–ix.
Capron. California, pt. i, ch. ii.

Special Topics and Magazine Articles

Winsor. America, VII: ch. vi (Mexican war).
Jones. Conquest of California. (In California Historical Society publications, pt. i, ch. vi.)
Ide, S. Sketch of W. B. Ide and the Bear Flag party.
Shinn. Mining camps.
Browne. Report of the debates in the convention on formation of the state constitution (1849).

Bidwell. The bear flag.
Overland (May, 1895) XXV: 506.
Farwell. Fremont's place in California history.
Overland (Nov., Dec., 1890) XVI: 519, 575.
Shinn. "The Bears" and the historians.
Overland (Nov., 1890) XVI: 53.
Fitch. How California came into the Union.
Century (Sept., 1890), XL: 775.
Fremont. Conquest of California.
Century (April, 1891), XLI: 917.
Shinn. California's golden prime of forty-nine.
Magazine of American history, XII: 433.

Contemporary Writings

(The period covered is indicated by the dates in parenthesis after each title.)

Benton, T. H., Thirty years' view, II: chs. clxiv, cxcvi (1845–1850). *Bryant, E.*, What I saw in California (1846–1847). *Buffum, E. G.*, Six months in the gold mines (1849). *Colton, W.*, Three years in California (1846–1849). *Davis, W. H.*, Sixty years in California, ch. xlviii, etc. (1846–1850). *Downie, W.*, Hunting for gold, (1849). *Dunbar, E. E.*, Discovery of gold. *Haskins, C. M.*, Argonauts of California (mining life, 1849). *Johnson, T. T.*, Sights in the gold region (1849). *Letts, J. M.*, California illustrated (1849). *Revere, J. W.*, Tour in California (1845–1849). *Ringgold, C.*, Memoir and maps of California (Bay of San Francisco and vicinity, 1849–1850). *Robinson, F.*, California and its gold mines. (Contains J. H. Colton map, 1849.) *Stillman, J. D. B.*, Seeking the golden fleece (1849). *Taylor, B.*, El Dorado (1849). *Upham, S. C.*, Voyage to California

(1849–1850). *Williams, A.*, Pioneer pastorate (incidents of moral and religious life, 1849–1854).

III. Growth of the State (after 1850)

A view of the political history of the state, together with facts of industrial development, and some phases of social life.

General Works

(The end of the period covered is indicated by the date in parenthesis.)

Royce. California, ch. vi (to about 1860).

Hittell. California, vols. III, IV (to 1889).

Bancroft. California, VI: chs. xiv, etc.; VII (to 1890).

Capron. California, pt. i, ch. iii (to 1854).

Norman. California, chs. xv–xxv (to 1880).

McClellan. Golden state, chs. xxiii–xxvi (to 1872).

Tuthill. California, chs. xx–xliii (to 1866).

Special Topics and Magazine Articles

Willey. College of California.

Davis, W. J. Political conventions, 1849–1892.

O'Meara. Broderick and Gwin.

California blue book, 1895 (state capitals, great seal, etc.).

Cummins. Story of the files; California writers and literature.

Atherton. Literary development of California.
Cosmopolitan (Jan., 1891), X: 269.

George. Kearney agitation.
Popular Science (Aug., 1880), XVII: 433.
Hittell. Observations on the new constitution.
Overland (Jan., 1883), XII: 34.

Travels and Descriptive Works

(The period covered is indicated by the date in parenthesis.)

Bancroft, Tourists' guide (1871). *Bartlett, J. R.*, Explorations and incidents in . . . California, II: chs. xxii–xxv (1852). *Borthwick, J. D.*, Three years in California (1851–1854). *Brace, C. L.*, The new West, — California in 1867–1868. *Cronise, T. F.*, Natural wealth of California (1868). *Field, S. J.*, Early days in California (1849–1877). *Fisher, W. M.*, The Californians (1875). *Hamilton, W.*, The new empire (1886). *Hittell, J. S.*, Resources of California (1862, 3d ed. 1867). *Markham, H. H. Governor* (E. W. Maslin, editor), Resources of California (1893). Published by Superintendent of State Printing. *Nordhoff, C.*, California for health, pleasure, and residence (1882). *Pacific Bank*, Handbook of California (1888). *Powell, J.*, The golden state (1874). *San Francisco Call*, California as it is (1881). *Seyd, E.*, California and its resources (1858). *Stoddard, C. A.*, Beyond the Rockies (1894). *Taylor, B.*, At home and abroad, ch. ii (1859). *Turrill, C. B.*, California notes (1876). *Weed, J.*, California as it is (1876).

Constitution of 1879

California constitutional convention, proceedings, 1878–1879. 3 vols.
Davis. Political conventions in California, 390, etc.
Hittell. California, IV: ch. xi.

Bancroft, California, VII : ch. xv.
California blue book for 1895.

3. Bryce, Chapters XXXV-XXXVI. Organization of the States

Chapter XXXV. State Constitutions. Topics. — Nature of state constitutions. Their origin. Charters of guilds and trading companies. Massachusetts Bay Company. The Massachusetts charter of 1691, and its relation to the charter of the company. Virginia charter of 1609. Relation of charters to state constitutions. Comparison with British colonies. Revision of constitutions. Method of enactment. Independence of the National government. Instance of Delaware. Interpretation of state constitutions. Constitutions are direct legislation.

Supplementary Questions. — 1. Look up the following documents mentioned in the chapter, report upon their contents, and collect the evidence for Mr. Bryce's points essential to a constitution, — "a frame of government established by a superior authority, creating a subordinate law-making body," p. 299.

References on the Charters

List of Books

Gross. The gild merchant.
Cawston and Keane. Early chartered companies.
Traill. Social England.
Winsor. Narrative and critical history of America.
Poore. Charters and constitutions.
Preston. Documents illustrative of United States history.
Fisher. Evolution of the constitution of the United States.

List of References

Company	Description of Charter	Charter Reprinted
a. A trade-guild	Gross, vol. I. Traill, see index. Also cyclopedias	King John's grant to the town of Ipswich, 1200 A.D. Gross, vol. I: 7–8
b. Merchant adventurers, 1463	Cawston and Keane, ch. ii Gross, vol. I: 148–157	
c. East India Co. 1600[1]	Cawston and Keane, ch. vii	Summary in Calendar of State Papers, Colonial — East Indies, 1513–1616
d. Virginia Co., 1606[2]	Cawston and Keane, ch. x Fisher, 26–32	Poore, Part II Preston, 1–13
e. Virginia Co., 1609	Ditto	Poore, Part II Preston, 14–21
f. Massachusetts Bay Co., 1629	Cawston and Keane, ch. x Fisher, 37–40	Poore, Part I Preston, 36–61
g. Fundamental Orders of Connecticut, 1638	Cawston and Keane, ch. x Fisher, 41–44	Poore, Part I Preston, 78–84
h. Connecticut, 1662	Fisher, 44–47	Poore, Part I Preston, 96–109
i. Rhode Island, 1663	Fisher, 44–47	Poore, Part II Preston, 110–129
j. Massachusetts, 1691	Fisher, 62–65	Poore, Part I

[1] A summary of the charter of the East India Co. is given in Anderson, Commerce of the British Empire, II: 196–197. London, 1787; Harris, Voyages, I: 875. London, 1764.

[2] For all the American charters, see accounts in Winsor and in colonial histories, referred to in Chapter I, above.

2. Describe the general form of government of the colonies. 3. Show why Connecticut and Rhode Island had less to do than any others in organizing state government. 4. Make out a list showing how many constitutions each state has had. (See Poore, Charters and Constitutions, and references in sec. 6 below). 5. Why has the tendency been to make amending easy?

Chapter XXXVI. Contents of State Constitutions. Topics. — Scope of state constitutions. Parts of a normal constitution. The Bill of Rights and its value. Curious provisions. Miscellaneous matters. How constitutions are confused with codes. Distrust of legislatures. Interpretation. Powers of legislatures. Comparison with Parliament. General attitude of the courts.

Supplementary Questions. — 1. Examine the Constitution of California (see sec. 4) and classify its articles under the heads suggested by Mr. Bryce. What proportion of miscellaneous matter is found? 2. Examine its Declaration of Rights and compare the provisions with the first ten amendments of the United States Constitution and with the English Bill of Rights of 1689. What provisions are the same? Why are the California provisions so numerous? What provisions of the California declaration are not really rights? Why are they placed here? 3. Of the "curious provisions" mentioned by Mr. Bryce check off those found in the California document. Is it a good example of its class? 4. Make a list of all the provisions that may be considered miscellaneous, *i.e.* not absolutely essential to the frame of a state government. Account for any of these being placed in the Constitution. (See Reports of the Constitutional Convention of 1879, sec. 2, above.) 5. Find distinct evidence that the legislature is distrusted. 6. Are the people of California satisfied with the Constitution?

4. The Constitution of California

There are many editions. Copies may easily be obtained as follows:

Bryce. American commonwealth. Unabridged edition. App. to vol. I.

California school law. Appendix. (Issued for school use from office of superintendent.)

Civil government. State Series. Appendix.

Desty, ed. Constitution of California. (Contains both constitutions side by side.)

State blue book. (Contains the constitution and much other valuable material. Issued by secretary of state for use of officers.)

5. Bryce, Chapters XXXVII, XXXVIII. The Constitution and the People

Chapter XXXVII. The Development of State Constitutions. Topics. — Three periods of state constitutions. Characteristics of the first period. Second period one of democratization. The third period shows reaction. Similarity of Western and Southern constitutions. Tendencies displayed, — to grow in length; toward minute limitations of enlargement of suffrage; to be more democratic. Variation among the states. Causes of difference. Distrust of officers. Jealousy of the federal government. Protection of private property. Sphere of state control. Humanitarian sentiment. Schools. Are the constitutions observed?

Supplementary Questions. — 1. Look up successive constitutions of particular states, — as Massachusetts, New York, Ohio, Louisiana, Mississippi, Texas, — and report on the

changes in length and general features.[1] 2. Compare the present Constitution of California with its predecessor, and report in the same way. 3. Read Hittell's History of California, vol. IV, ch. xi, and report upon the conditions under which the present Constitution was framed and adopted. Compare also the other references on the constitution of 1879, given above. 4. Get together the amendments that have been made to the document of 1879. What do they show?

Chapter XXXVIII. Direct Legislation by the People. **Topics.** — Direct legislation in the United States. Origin of the system. Growth of democracy and loss of confidence in legislatures. Two methods employed. Use in local government. Disadvantages; loss of stability. Tendency conservative on the whole. State constitutions better made than statutes.

Supplementary Questions. — 1. How was our state constitution framed? 2. How was it adopted? (See Art. XXII.) 3. How can it be amended? (See Art. XVIII.) 4. How can another constitution be substituted? (See Art. XVIII.) 5. Look up the returns of recent state elections (see State Blue Book): How many amendments were submitted? How many were adopted? What other propositions were voted on? Were the people conservative? 6. Find other uses of the referendum. (See Art. XVI.) 7. What is meant by referendum? 8. In what sort of cases is it valuable?

[1] Constitutions may be found as follows: Of all states to 1878 in Poore, Charters and Constitutions. Those in force at the dates given, — 1853, Barnes, pub. Constitutions of the Several States. 1871, Hough, American State Constitutions. 1894, New York Constitutional Convention Manual.

6. The History of Various States. — References

(These books are to be used for further material in the study of the States, by means of individual reports and class discussion.)

Transition from Colony to State

Hart. Formation of the Union, 73–82.
Stevens. Sources of the constitution, 35–39.
Channing. United States, 83–87.
Jameson. Constitutional convention. §§ 125–259.
Andrews. United States, I: 154–178.
Pitkin. United States, II: ch. xix.
Tyler. Patrick Henry, ch. xii (Virginia).
Roosevelt. Gouverneur Morris, ch. iii (New York).

State Constitutions and Government

Ford. American citizen's manual, pt. ii: chs. iii, iv.
Willoughby. Government of the United States, ch. xiv.
Hitchcock. State constitutions.
Frothingham. Rise of the republic, 441–444, 447–451, 481–482, 491–493, 561–568.
Fiske. Critical period, ch. ii.
Bancroft. United States, *last revision*, V: 111–125.
Hildreth. United States, III: 69–76, 89–95, 113–118, 126–131, 135, 161, 183–185, 374–395.
Stevens. Sources of the constitution, 249–267.
Borgeaud. Adoption and amendment, 137–191.
Schouler. United States, II: 208–213 (states in 1813).
McMaster. People of the United States, III: 146–162.
Palmer. Historical register, I: 1–13 (states in 1812).
Ramsay. United States, II: ch. xii.

Schouler. Constitutional studies, pt. iii.

Davis. American constitutions. (In Johns Hopkins University Studies, III: Nos. ix, x.)

Hart. Practical essays, 20–57 (use of the suffrage).

AMERICAN COMMONWEALTH SERIES

Royce. California, chs. iii, iv, vi, to 1857.

Johnston. Connecticut (bibliography, p. 397), to 1865.

Dunn. Indiana, to 1819.

Spring. Kansas (bibliography, p. 323), to 1863.

Shaler. Kentucky (bibliography, p. 424), to 1865.

Browne. Maryland, to 1781.

Cooley. Michigan, to 1880.

Carr. Missouri, to 1865.

Scudder. New York, vol. II, to 1885.

Barrows. Oregon, to 1880.

King. Ohio, to 1865.

Robinson. Vermont, to 1865.

Cooke. Virginia (bibliography, p. vii), to 1865.

CHAPTER XII

THE STATE LEGISLATURE

1. Bryce, Chapter XXXIX. State Governments: The Legislature

Topics. — Similarity of state governments. Its explanation. Genealogy of American governments. Parts found in every state. Separation of legislature and executive. Composition of legislature. Election. Dif-

ferences between the houses. District system of representation and its results. The idea of equality. The suffrage. Women as voters. Relation of the suffrage to the United States government. Number of members in the legislature. Compensation. Sessions. Origin of bills. Special powers of the Senate. Methods of procedure. Relation of the legislature to the executive offices. The governor's veto. Constitutional restrictions on the legislature, — in subject-matter, in procedure. Unconstitutional acts. Resolutions. Discussions.

Supplementary Questions. — 1. What older states have had a noticeable influence upon the Constitution of California? (See Royce, California, 246–270.) 2. Make out the genealogy of the California Constitution. 3. Is any unwise or unsuitable legislation ever prevented by having two houses? 4. Ought the legislators to be elected by districts? 5. Ought the requirement of district residence to be maintained? 6. Why should women have municipal suffrage when they do not have the general suffrage? 7. What reasons can you give for or against a property qualification for voting? an educational qualification? 8. Should paupers be allowed to vote? 9. Ought the legislators to be paid? If so, how much? 10. Should the length of the session be limited? 11. Should the legislature meet annually? 12. Why should the governor have a veto?

2. Constitution of California, Articles III, IV

Questions. — 1. How is the legislature composed? 2. How is the Assembly composed? number of members? how elected? date of the election? term of office? 3. How are the Assembly districts determined? when and how may they be changed? 4. Answer the same questions for the Senate as for the Assembly in No. 2. 5. What difference is there

between the Senate districts and the Assembly districts? 6. What are the qualifications of senators? of assemblymen? 7. Who vote for the members of the legislature? 8. What is the compensation of members of the legislature? 9. When does the legislature meet? How is the length of the session limited? 10. How is each house organized? 11. What control has each house over its members? 12. How many constitute a quorum? 13. How many votes must a measure have for adoption? 14. What authority has the governor over the sessions of the legislature? 15. What is the procedure in the enactment of bills? 16. What is the authority of the governor in legislation? 17. What is the time limit on the introduction of bills? 18. What special power has the Assembly? 19. What are the special duties of the Senate? 20. What restrictions are placed upon the subject-matter of legislation? upon the method of procedure in legislation? 21. What commands are given to the legislature? (See also Arts. VI, VIII, IX, XI, XIII.) 22. What answer can be given to the question: "What are the powers of the legislature?" From the information gathered above complete the following:

Schedule

Structure and Powers of the California Legislature

	Number	Organization	Mode of Election	Special Powers
Senate				
Assembly				

	Procedure		Powers in Legislation
	Initiation	Final Action	
Both Houses with the Governor			

3. Practical Questions on the Legislature

1. Examine a map of California showing the present Assembly districts, and report on the following: Do they mark off natural areas? How much do they vary in size? in shape? Which is the largest? Which is the smallest? Are the districts of any use? In which district do you live? 2. The same questions may be answered for senatorial districts. 3. Why should the members of the legislature be elected by districts? 4. Why should they be residents of the districts? 5. Who were the candidates for election in your district at the last election? Report any facts obtainable about the occupation, education, and previous public service of each one. Who was elected? What reasons can be given for the choice? 6. When was the last session of the legislature? Consult the State Blue Book for the roll of members and report upon the following points: average age, common occupations, education, and previous public service. Can any differences be detected between the Senate and the Assembly? On the whole, was the legislature a well-

chosen body of men? 7. How long did the last session continue? (Consult newspaper files.) What pay did each member receive? What other expenses were incurred? (Consult Report of State Controller.) Ought the pay of the legislators to be greater? 8. Consult the State Blue Book and report the full list of officers of each house of the last legislature; the number of attachés; the full list of standing committees. In what ways do the committees increase the expenses of the legislature? 9. When did the governor last send a regular message to the legislature? (See Cal. Const., Art. V, sec. 10.) Consult the files of daily newspapers and find a copy. What recommendations were made? What attention did the legislature give to them? 10. Consult the newspaper files for reports of the last session of the legislature and work out the following questions: Was there a large amount of business introduced? What were the most prominent matters touched upon? What bills called out the fullest discussion? Was the governor in harmony with the legislature on important matters? Was the Senate in harmony with the Assembly? What important bills failed of passing? Why? What other business besides lawmaking did the legislature do? Upon what matters did the legislators vote according to party lines? Any criticism that you would make upon the legislature and its methods? 11. Consult the volume of statutes of the last session of the legislature and report upon its contents in regard to any point suggested to you.

CHAPTER XIII

THE STATE EXECUTIVE

1. Bryce, Chapter XL. The State Executive

Topics. — Office of governor. His powers, enforcement of the laws, pardon, military command, appointments, receipt of reports, communications to the legislature, veto. Reputation of the office. The lieutenant-governor. Other chief officers. Relation to the governor. The Civil Service of the state. "Spoils System." Impeachment and other processes of removal.

Supplementary Questions. — 1. As suggested in the previous study, make an outline of the history of the office of governor. 2. How have the other state executive officers arisen? 3. Why are they not under the authority of the governor? Would it not be well to make them so? 4. Does California need a state police? 5. What is the present reputation of the governorship? Is it sought by the best men? 6. Compare the other high executive offices with the governorship. 7. Are the principles of a well-regulated Civil Service observed in the executive department of California? If not, what changes are necessary? 8. Is impeachment ever used? If not, why not? 9. Are removals of state officers ever made otherwise?

2. Constitution of California, Articles V, VII–X, XII, XIII

1. By reference to the Constitution of California, answer the following questions in regard to the governorship: Mode of election? Term? Salary? Qualifications? Disabilities? Constitutional powers? 2. Has the governor any functions not mentioned in Mr. Bryce's chap-

ter? Notice *ex officio* service on boards, *e.g.* Board of Education. (See Art. IX.) 3. Answer the same questions as in No. 1 for the lieutenant-governor. 4. What other state executive officers are chosen in the same way as the governor? Does the Constitution prescribe their duties? 5. Examine Articles IX, X, XII, XIII, and report upon each board provided for, its organization and duties. 6. Briefly describe the executive department of the state, making out whether or not it is ministerial, responsible, centralized, or divided. 7. Give a comprehensive view of the state executive by filling out the following:

SCHEDULE

CALIFORNIA STATE EXECUTIVE

AS SET FORTH IN THE CONSTITUTION AND THE POLITICAL CODE (SEE EXTRACTS BELOW)

OFFICE	ELECTION OR APPOINTMENT	TERM, TENURE, COMPENSATION, ETC.	POWERS AND DUTIES
Governor Lieutenant-Governor Secretary of State *et al.*			

3. Practical Questions on the Executive

1. Who were candidates for the governorship at the last election? Give some personal account of each one. What principles or policy did each stand for? (Consult

newspapers and campaign documents.) How many votes did each receive? (Consult State Blue Book or Political Almanacs.) Who was elected? Did he have a majority of votes? What plurality did he have? What reasons can you find for his success? 2. When did the present governor take office? Give an account of the procedure and ceremonies of inauguration. (Consult newspapers of the day.) 3. Illustrate by actual instances the governor's use of each one of his constitutional powers, — general supervision, pardoning or reprieving, military command, appointment, requiring reports, recommending to the legislature, vetoing, serving on boards or commissions. Which of these acts is of the highest importance? Which receive the most popular attention? Which show most clearly the character of the officer? 4. Give the names of the other state executive officers elected at the same time as the governor. Were they all elected from the same party? Report upon one or more of them, as regards previous public career, reasons for selection for the office, etc. 5. What are the powers and duties of each executive office? How are they determined? (See below — Extracts from Political Code.) 6. Make a special study of the business of some state executive office, or board, by examining the last annual or biennial report. (See list below.)

Reports of State Officers

MADE ANNUALLY OR BIENNIALLY TO THE GOVERNOR AND PRINTED AT THE STATE PRINTING-OFFICE

(These reports are all published biennially in bound volumes as an Appendix to the Journals of the Senate and the Assembly. In this form they can be found in

the public libraries. Copies may be obtained through members of the legislature. The individual reports are also commonly published separately in pamphlet form, and distributed from the office making the report. See the State Blue Book for addresses of all officers.)

List of Officers and Commissions making Biennial Reports.

Controller, Secretary of State, Treasurer, Attorney-General, Adjutant-General, Surveyor-General, Board of Examiners, Capitol Commissioners, Superintendent of State Printing, Board of Equalization, Trustees of State Library, Superintendent of Public Instruction, Board of Forestry, Veterans' Home Association, Railroad Commission, Bureau of Labor Statistics, Board of Horticulture, Board of Health, Bank Commission, Trustees of Institution for the Deaf, Dumb, and Blind, Directors of Industrial Home for Adult Blind, Trustees for Home for Feeble-Minded Children, State Agricultural Society, Viticultural Commission, Insurance Commissioner, Board of State Harbor Commissioners, Building and Loan Commissioners, Commissioner of Public Works, Fish Commission, State Mineralogist, President of University of California, Trustees of State Normal Schools, Trustees of Preston School of Industry, Trustees of Whittier State School, Dental Examiners, Lunacy Commission and Trustees of Insane Asylums, known respectively as the Stockton, Napa, Agnews, Mendocino, and Southern California State Hospital, Commissioners to manage Yosemite Valley, *et al.*

QUESTIONS ON THE STATE OFFICERS AND COMMISSIONS

Of these officers what ones are elected by the state at large? What ones are elected by districts? What ones are appointed by the governor? (See table on page 131.) What ones control the expenditure of large amounts of public money? If the work of any of these officers or commissions is within your field of observation, report upon the degree of efficiency. Compare any one of these offices with a United States office for efficiency and economy. What is the general reputation of these state commissions? How can their efficiency be improved?

4. Duties of Executive Officers

EXTRACTS FROM POLITICAL CODE OF CALIFORNIA

(Numbers in the margin refer to the sections of the code.)

Duties of Executive Officers. — In addition to the provision in the Constitution the power and duties of State Executive Officers are prescribed in the Political Code as follows:

380. **Governor.** — In addition to those prescribed by the Constitution the Governor has the power and must perform the duties prescribed in this and the following sections: (1) he is to supervise the official conduct of all executive and ministerial officers; (2) he is to see that all offices are filled and the duties thereof performed . . . (3) he is to make the appointments and supply the vacancies mentioned in this Code; (4) he is the sole organ of communication between the Government of this State and the Government of any other State or of the United

States; (5) whenever any suit or legal proceeding is pending against this State . . . he may direct the attorney-general to appear on behalf of the State . . . (6) he may require the attorney-general or district attorney of any county to inquire into the affairs or management of any corporation existing under the laws of this State; (7) he may require the attorney-general to aid any district attorney in the discharge of his duties; (8) he may offer rewards not exceeding one thousand dollars each, payable out of the General Fund, for the apprehension of any convict who has escaped from the State Prison, or of any person who has committed or is charged with the commission of an offence punishable with death; (9) he must perform such duties respecting fugitives from justice as are prescribed by . . . The Penal Code; (10) he must issue and transmit election proclamations, as prescribed in . . . this Code; (11) he must issue land warrants and patents as prescribed in . . . this Code; (12) he must . . . deliver to the State printer for publication all biennial reports of officers and boards . . . (13) he may require any officer or Board to make special reports to him, upon demand, in writing; (14) he may issue arms and accoutrements for the use of colleges; (15) he must discharge the duties of member of the board of examiners, of member of the State board of education, of State prison director, of State capital commissioner, of orphan asylum commissioner, of trustee of State normal school, and of member of the board of military auditors; (16) he has such other powers and must perform such other duties as are devolved upon him by this Code, or any other law of this State.

Appointments by the Governor

(Subject to changes by acts of legislature abolishing or creating offices.)

Officers	Total Appointed	Confirmed by Senate	Not Confirmed by Senate	Number of Years Appointed	When at Pleasure of Governor
Adjutant-General	1	....	x	....	x
Adult Blind Institution Directors.	5	....	x	....	x
Agricultural Directors, State Board	12	....	x	4	....
Agricultural District Directors, each district	8	....	x	4	....
Arbitration Board	3	....	x	1	....
Attorney for Boards of Health	1	....	x	4	....
Analyst, State	1	....	x	....	x
Bank Commissioners	3	....	x	4	....
Brigadier-Generals	3	x	....	....	x
Deaf, Dumb, and Blind Institution Directors	5	x	....	4	....
Dental Examiners	7	....	x	4	....
Feeble-Minded Home Directors	5	x	....	4	....
Fish Commissioners	3	x	....	....	x
Forestry Board	3	....	x	4	....
Harbor Commissioners — Humboldt	1	....	x	4	....
Harbor Commissioners — San Diego	3	x	....	4	....
Harbor Commissioners — San Francisco	3	x	....	4	....
Health, San Francisco Board	4	....	x	....	x
Health, State Board	7	x	....	4	....
Horticultural Board	9	....	x	4	....
Insane Asylum Managers — Agnews	5	....	x	4	....
Insane Asylum Managers — Mendocino	5	....	x	4	....
Insane Asylum Managers — Napa	5	....	x	4	....
Insane Asylum Managers — San Bernardino	5	....	x	4	....
Insane Asylum Managers — Stockton	5	x	....	4	....
Insurance Commissioner	1	x	....	4	....
Labor Commissioner	1	....	x	4	....
Major-General	1	x	....	....	x

APPOINTMENTS BY THE GOVERNOR (*concluded*)

OFFICERS	TOTAL APPOINTED	CONFIRMED BY SENATE	NOT CONFIRMED BY SENATE	NUMBER OF YEARS APPOINTED	WHEN AT PLEASURE OF GOVERNOR
Marshal Monument Guardian	1	....	x	....	x
Mineral Cabinet Trustees	3	....	x	....	....
Mineralogist, State	1	....	x	4	....
Mining Bureau Trustees	5	....	x	....	x
Normal School Trustees — Chico	5	....	x	....	x
Normal School Trustees — Los Angeles	5	...	x	....	x
Normal School Trustees — San José	5	....	x	....	x
Notaries Public	Note [1]	....	x	4	....
Park Commissioners — Los Angeles	3	....	x	4	....
Park Commissioners — San Francisco	3	....	x	4	....
Pharmacy Board	7	....	x	4	....
Pilot Commissioners — Humboldt	3	x	....	4	x
Pilot Commissioners — San Diego	1	....	x	4	x
Pilot Commissioners — San Francisco	3	x	....	4	x
Pilots — Wilmington	2	x	....	....	x
Port Wardens — San Francisco	4	x	....	4	..
Prison Directors	5	x	....	10	....
Reform School Trustees	3	x	....	4	....
Regents of University	16	x	....	16	....
Registrar of Voters — City and Co. of San Francisco	1	....	x	....	x
Sacramento Funded Debt Commissioners	3	....	x	4	....
Silk Culture Board	7	....	x	4	....
Staff of Governor	16	....	x	....	x
State Burying Grounds, Trustees	3	x	....	2	....
Surveyors — Examining Board	5	....	x	1	....
Sutter's Fort Trustees	5	....	x	4	....
Viticultural Commissioners	9	....	x	4	....
Yosemite Valley Commissioners	8	....	x	4	....

[1] Unlimited — except in Los Angeles, San Francisco, and Solano counties.

407. **The Secretary of State** is charged with the custody: (1) of the enrolled copy of the Constitution; (2) of all acts and resolutions passed by the legislature; (3) of the journals of the legislature; (4) of the great seal; (5) of all books, records, deeds, parchments, maps, and papers kept or deposited in his office pursuant to law.

408. In addition to the duties prescribed by the Constitution it is the duty of the secretary of state: *first*, to attend at every session of the Legislature for the purpose of receiving bills and resolutions thereof . . . *second*, to keep a register of, and attest the official acts of, the Governor; *third*, to affix the great seal, with his attestation, to commissions, pardons, and other public instruments . . . *fourth*, to record in proper books all conveyances made to the State, and all articles of incorporation filed in his office; *fifth*, to receive and record in proper books the official bonds of all the officers . . . *sixth*, to record in a proper book all changes of names certified to him by the county clerks . . . *seventh*, to take and file in his office receipts for all books distributed by him . . . *eighth*, to certify to the Governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the Governor; *ninth*, to furnish, on demand, to any person paying the fee therefor, a certified copy of all or any part of any law, record, etc.; *tenth*, to deliver to the State printer, at the earliest day practicable after the final adjournment of each session of the legislature, an index of all laws, resolutions, and journals, kept, passed, or adopted at such session; *eleventh*, to notify, in writing, the district attorney of the proper county of the failure of any officer in his county to file in his office

the sworn statement of fees received by such officer; *twelfth*, to present to the legislature . . . a full account of all purchases made and all expenses incurred by him in furnishing fuel, lights, and stationery; *thirteenth*, to keep a fee book . . . *fourteenth*, to file in his office descriptions of seals in use by the different State officers . . . *fifteenth*, to discharge the duties of member of the State board of examiners, State capitol commissioner, State sealer of weights and measures, and all other duties required of him by law; *sixteenth*, to report to the Governor . . . *seventeenth*, he must distribute of the bound volumes of the decisions of the Supreme Court, as soon as he receives them: First, to each State one copy [here follow directions for the distribution of documents].

412. The secretary of state is the superintendent and has charge of the State capitol, and he must keep the same, together with all property therein, in good order and repair.

433. **The Controller.** — It is the duty of the controller: (1) to superintend the fiscal concerns of the State . . . (2) to report to the Governor . . . a statement of the funds of the State, its revenues, and of the public expenditures . . . (3) to accompany his biennial report with tabular statements showing: (*a*) the amount of each appropriation for the two preceding fiscal years, the amounts expended, and the balance, if any; (*b*) the amount of revenue chargeable to each county for such years, the amount paid, and the amount unpaid, or due therefrom; (4) when requested, to give information in writing to either house of the legislature . . . (5) to suggest plans for the improvement and management of

the public revenues; (6) to keep and state all accounts in which the State is interested; (7) to keep an account of all warrants drawn upon the treasurer . . . (8) to keep an account between the State and the treasurer . . . (9) to keep a register of warrants, showing the fund upon which they are drawn . . . (10) to audit all claims against the State . . . (11) to examine and settle the accounts of all persons indebted to the State . . . (12) in his discretion to require any person presenting an account for settlement to be sworn before him . . . (13) to require all persons who have received any moneys belonging to the State and have not accounted therefor to settle their accounts; (14) in his discretion to inspect the books of any person charged with the receipt, safe keeping, or disbursement of public moneys; (15) in his discretion to require all persons who have received moneys or securities, or have had the disposition or management of any property of the State of which an account is kept in his office, to render statements thereof to him . . . (16) to direct and superintend the collection of all moneys due the State . . . (17) to draw warrants on the treasurer for the payment of moneys directed by law to be paid out of the treasury . . . (18) to furnish the state treasurer with a list of warrants drawn upon the treasury; (19) to have printed and forwarded to the auditor of each county blank State licenses; (20) to authenticate with his official seal all drafts and warrants drawn by him, and all copies of papers issued from his office; (21) to perform the duties of a member of the State board of equalization and of the State board of tide land commissioners, and such other duties as are prescribed by law.

452. **Treasurer.** — It is the duty of the treasurer:

(1) to receive and keep in the vaults of the State treasury all moneys belonging to the State . . . (2) to file and keep the certificates of the controller delivered to him when moneys are paid into the treasury; (3) to deliver to each person paying money into the treasury a receipt . . . (4) to pay the warrants drawn by the controller . . . (5) upon the payment of any warrant, to take upon the back thereof the receipt of the person to whom it is paid, and file and preserve the same; (6) to keep an account of all moneys received and disbursed; (7) to keep separate accounts of the different funds; (8) to report to the controller on the last day of each month . . . (9) at the request of either house of the legislature, or of any committee thereof, to give information in writing as to the condition of the treasury . . . (10) to report to the Governor . . . (11) to authenticate with his official seal all writings and papers issued from his office; (12) to discharge the duties of State capitol commissioner, and such other duties as may be imposed upon him by law.

470. **Attorney-General.** — It is the duty of the attorney-general: (1) to attend the Supreme Court and prosecute or defend all causes to which the State or any officer thereof, in his official capacity, is a party, and all causes to which any county may be a party . . . (2) after judgment in any of the causes referred to in the preceding section, to direct the issuing of such process as may be necessary to carry the same into execution; (3) to account for . . . all moneys which may come into his possession belonging to the State or to any county; (4) to keep a docket of all causes in which he is required to appear . . . (5) to exercise supervisory powers over

district attorneys . . . (6) to give his opinion in writing, without fee, to the legislature, or either house thereof, and to the Governor, the secretary of state, controller, treasurer, surveyor-general, the trustees, or commissioners of State institutions, and any district attorney, when required, upon any question of law relating to their respective offices; (7) when required by the public service, or directed by the Governor, to repair to any county in the State and assist the district atttorney thereof in the discharge of his duties; (11) to discharge the duties of a member of the board of examiners, of the board of military auditors, and other duties prescribed by law; (12) to report to the Governor . . .

474. It shall be the duty of the attorney-general to institute investigation for the discovery of all real and personal property which may have or should escheat to the State . . .

483. **Surveyor-General.** — It is the duty of the surveyor-general: (1) to discharge the duties relating to the public lands imposed upon him by Title VIII, of Part III of this Code [requiring him, as register of the State land office, to keep separate accounts and records in relation to each class of lands to which the State is entitled]; (2) when required, to survey and mark the boundary lines of counties, cities, villages, and towns; (3) to report to the Governor . . . (*a*) a statement of the progress made in the execution of surveys . . . (*b*) an estimate of the aggregate quantity of land belonging to the State . . . (*c*) an estimate of the aggregate quantity of all land used for or adapted to tillage and grazing within each county of the State; (*d*) an estimate of the number of horses, cattle, sheep, and swine within each

county of the State; (*e*) an estimate of the quantity of wheat, rye, corn, potatoes, grapes, and other agricultural and horticultural productions of the two preceding years, together with his views as to the presence, cause, and remedy of any diseases or other malady preventing full and perfect production; (*f*) an estimate of the quantity of all mineral lands within each county of the State . . . (*g*) all facts in his opinion calculated to promote the development of the resources of the State; (4) to require county surveyors and assessors to collect and transmit to him, at such times as he may direct, information relative to the subject-matter of his biennial reports; (5) to authenticate with his official seal all writings and papers issued from his office; (6) to perform such other duties as may be required of him by law.

Superintendent of Public Instruction. — (The duties of this officer may be found in the extracts from the Political Code furnished to every school in the "School Law.")

CHAPTER XIV

THE STATE JUDICIARY

1. Bryce, Chapter XLI. The State Judiciary

Topics. — Organization of the judiciary. Chancery and equity courts. Jurisdiction of state courts. Recognition of other states. Codes. Limitations on the judges. Appointment of judges. Their tenure. Salaries. Character of the judiciary. Elevating influences, — the federal courts, public opinion, the bar. Recent improvements in some states.

Supplementary Questions. — 1. What are chancery courts? equity courts? (Consult dictionary.) 2. What is meant by the common law? 3. What are tribunals of arbitration? 4. What is the value to the community of promptness of trial and certainty of penalty in criminal affairs? 5. What is the value of promptness of decision in civil cases? 6. What is a crime?

2. Constitution of California, Article VI

1. What courts has California? 2. How is the Supreme Court constituted? 3. What rules of procedure are laid down? 4. When and how are the Supreme Court justices elected? What are their qualifications? 5. In general, what is the jurisdiction of the Supreme Court? 6. How many Superior Courts are there? 7. Answer the same questions as above, for a Superior Court. 8. How is a vacancy in the Supreme Court or in a Superior Court filled? 9. How may judges be removed? 10. Make a list of the restrictions placed upon judges in the Constitution. 11. What provision is made for Justices of the Peace? 12. What are the courts of record? 13. How are clerks provided for? 14. How are opinions and decisions published? 15. How are judges paid?

For the jurisdiction of Superior Courts, see under "Government of the County," Chapter XVII, sec. 2; for the jurisdiction of Justices of the Peace, see under "The Township in California," Chapter XVIII, sec. 3.

3. Practical Questions on the California Judiciary

1. What codes has California? Examine them and report upon their contents. Consult some attorney or well-informed person in regard to the California codes,

and get answers to the following: Were they well written, *i.e.* by able and experienced lawyers? Are they frequently amended? Are they now satisfactory? What is thought of the judgment, expressed by Mr. Bryce, that codes "render the law more uncertain and less scientific"? 2. Ascertain the names, residences, and dates of election of the justices of the Supreme Court; of the judges of the Superior Court of your county. Give an account of the professional and official career of any of them. 3. How do the salaries of the judges compare with the incomes of the leading attorneys who practise before them? Would the judgeships be more desirable with a tenure during good behavior? Would appointment by the Governor give a better selection than the method of popular election?

CHAPTER XV

STATE POLITICS

1. Bryce, Chapter XLII. State Finance

Topics. — Wide range of state financial systems. The budget. Sources of revenue. The property tax, — assessment, equalization, difficulty of discovering personal property. Injustice of the system. Licenses. Exemptions from taxation. Taxes on corporations. Limitation of tax rates. Other limitations on the legislature. State debts. Limitation of borrowing. Debts of local bodies. Recent reduction in state debts.

Supplementary Questions. — 1. What other sources of revenue do some states have besides those mentioned?

2. Does the citizen who conceals his property for the purpose of avoiding assessment act honorably? 3. What would be gained by exempting personal property from assessment? 4. What is personal property? Illustrate by means of things within sight. 5. Compare the figures showing the totals of national, state, and municipal debts for each census year since 1870. (See United States Census and Political Almanacs.)

Practical Questions on California. — 1. What was the rate of state tax for the last fiscal year? 2. What was the total assessment valuation of property? (See Reports of State Board of Equalization.) 3. The legislature having determined upon the expenditures, and the total valuation having been determined by the assessment, how was the rate established? 4. Assessment of taxable property is made annually by the assessor in each county. (See under County Government, Chapter XVII, below.) What is the business of the State Board of Equalization? (See Cal. Const., Art. XIII, and Pol. Code.) 5. Answer the following questions from Cal. Const., Art. XIII. What property must be assessed? What property is exempt? What rules are laid down for valuation? How is a mortgage treated in assessment? A owns a farm valued at $5000. It is mortgaged to B for $2000. What are the assessments? For whose benefit is this arrangement? Is A any better off than if he were assessed for the full $5000? By whom are railroads operating in more than one county assessed? Does California collect a poll tax? 6. State taxes being collected by the tax collector in each county and paid into the county treasury, with whom must the county treasurer settle? 7. How are demands on the state treasury paid? (See above under Controller and Treasurer.) 8. From the last report of the State Controller answer the following: What are the several funds? What was their condition at the time of the report? What were the amounts received for the year from property taxes, from poll taxes, from railroad taxes, from interest on the bonds of the School fund, from the sale of State text-books, from rent of wharves

of San Francisco harbor, from sale of jute fabrics from San Quentin? What were the amounts expended from the General fund, the School fund, the San Francisco harbor improvement fund, the State University fund, the State Library fund? How much was expended upon each branch of the government, upon any particular institution? 9. Are the finances of California well managed? If not, how can any improvement be made?

2. Bryce, Chapter XLIII. The Working of State Governments

Topics. — Likeness of the state governments to the national. Differences between the executives. Duties of state executive officers. How the state executive succeeds. Little dignity or power in state offices. Importance of the governorship in times of disturbance. Governor's reputation made by his vetoes. Frequent opposition between governor and legislature. Power centres in the legislature. Comparison with Congress. Scope of state legislation. Stability of private law. Constant tinkering with administrative law. Excessive special legislation. Control of municipalities. Bad methods in selecting legislators. The question of salaries. Comparison of legislatures in different sections. Methods of the corrupt legislator. The spirit of localism. Its effect on log-rolling. Lack of legislative leadership. How good measures are secured. Spirit of philanthropy.

Supplementary Questions. — 1. What is the general reputation of executive officers in California for integrity and efficiency? Does very much depend upon them? 2. Do you know of any instances in California of the governor's quelling disturbances? 3. Has the present governor gained a favor-

able reputation by his vetoes ? 4. Are the legislature and the governor usually of different parties ? 5. Look up the meaning of *contracts*, *torts*, *inheritance*. What is the law of inheritance in California ? Where can you find the general laws in regard to family relations, offences, civil procedure, criminal procedure ? 6. What is the policy of California in regard to administrative law ? (See Cal. Const., Art. XI.) 7. What is the policy of California in regard to special legislation ? (See Cal. Const., Art. IV, sec. 25.) 8. What is the policy of California in regard to corporations ? (See Cal. Const., Art. XII.) 9. Report upon the method of nominating and electing the members of the last legislature. 10. Is it customary to reëlect ? If not, why not ? 11. Does the spirit of localism prevail in California ? Is it harmful ? 12. Who were leaders in the last legislature ? 13. What pay do the members of the legislature receive ? 14. What important reforms have been enacted by the legislature of California within the last few years ?

3. Bryce, Chapter XLIV. Remedies for the Faults of State Governments

Topics. — Faults not those that were expected. No encroachment on the National government. No movement toward a cabinet system. Improvement of the executive. The real blemishes in the legislature. The list of faults. Their practical results. Attempted remedies, — two houses, governor's veto, constitutional limitations and the courts to enforce them, limitation of legislative sessions. Attitude of better citizens toward the faults of the legislature. Conclusions in regard to the political importance of the states.

Supplementary Questions. — 1. Ought California to give the appointment of state executive officers more completely

to the governor? 2. Are the faults of legislatures, as pointed out by Mr. Bryce, true of California? 3. Has California tried all the ways mentioned of controlling the legislature? 4. What can you do toward the improvement of the legislature and the laws?

4. Bryce, Chapter XLV. State Politics

Topics. — Possible relations of state to national parties. Their theoretical independence. Actual absorption of state parties in national. Causes of this development, — intensity of early national questions, election of United States senators, the federal offices. The victory of the national parties complete. Results upon the state governments, — party distinctions are artificial, not real; partisanship controls elections; "Rings" multiply. State parties sometimes arise. Illustrations. State factions formed by a split in the national party. Decline in state politics. State affairs have lost not importance, but interest. Attitude of the thoughtful citizen. Difficulty of improvement.

Supplementary Questions. — 1. Make a list of important questions in state affairs before the people of California at the present time. Do any parties take sides upon them? Has California any state parties? 2. Watch the discussions at election time to see what notice is taken of real state questions. Are men elected with reference to them? 3. Make out a historical sketch of the life and activity of any state parties of the past. (See Hittell, California, vols. III, IV; Davis, Political Conventions.) 4. Which is the better course for a public-spirited man desirous of promoting good state government, to keep himself in touch with a national party, — endeavoring to use his influence toward worthy ends, — or to attempt to work outside of a national party?

Review Outline

State of California

Discuss each topic concisely, yet comprehensively.

1. Area, boundaries, physical characteristics.
2. Brief outline of history.
3. Present population, wealth, products, resources.
4. Date and circumstances of adoption of present Constitution.
5. Description of the Constitution as a whole.
6. Description of parts of the state organization:
   - *a.* The Legislature.
   - *b.* The Executive (including elective offices and all boards and commissions).
   - *c.* The Judiciary.
   - *d.* Counties.
   - *e.* Cities.
   - *f.* Electors.
   - *g.* Citizens.

PART IV

LOCAL INSTITUTIONS

CHAPTER XVI

THE GENERAL SYSTEM

1. Bryce, Chapter XLVII. Local Government

Topics. — State systems. Three types, — township, county, mixed. Origin of New England towns. Description of the town. Its permanence. Different mode of settlement in the South. Organization of the county. Its relation to the state. Influences that affected the Middle States and the Northwest. The town meeting and its functions. Merits and demerits of the town-meeting. The town executive. New England counties. Counties of the Southern States; officers and their functions. Sub-divisions of the county. Characteristics of the mixed type. Variations. Progress of the town system in Illinois and the West. The county in the West. Townships without the town meeting.

Supplementary Questions. — 1. How did the topography of New England affect the institutions of local government? 2. What different influences were felt in the South? 3. What were the advantages of the town system in early times? Do the same advantages exist now? (Consult some one who has

lived in New England.) 4. Show how in the settlement of California the town system would have been impossible. 5. What are the advantages of the county system? Under what conditions do they appear greatest? 6. What were Jefferson's reasons for his advice about towns (Bryce, p. 408)? Was his advice practical? 7. What influences in the settlement of the Middle States affected local institutions? 8. What does the spread of the township in Illinois indicate about the value of the system? 9. Describe the system of local government in any state outside of California in which you may have lived.

2. Bryce, Chapter XLVIII. Observations on Local Government

Topics. — Functions of local government, — care of roads, administration of justice, police, maintenance of the poor, public education. State business performed by the counties. Comparison of local systems.

Supplementary Questions. — 1. Find some instance of each of the functions of local government given above and report the case in detail. Was the work done well, promptly, and economically? 2. Is local government in your community efficient? If not, why not? 3. Is the question of relief of the poor likely to become more important in the future? 4. What system of local government would you favor for Texas? for Colorado? for the Santa Clara Valley in California? for the mining regions of California? Give reasons in each case.

CHAPTER XVII

THE COUNTY

1. Counties of California, 1896–1898

Name	Class	Population 1890	Area, sq. m.	Assessment Valuation, 1896	Tax Rate, 1896	Assessment Valuation, 1898	Total County Indebtedness, 1898
Alameda	3	93,864	840	$ 98,854,072	$1.30	$ 85,795,217	$ 28,669.87
Alpine	53	667	575	263,260	2.45	269,057	17,536.30
Amador	30	10,320	568	4,060,076	2.00	4,204,971	....
Butte	16	17,939	1,764	14,539,067	1.50	14,313,152	42,342.79
Calaveras	38	8,882	990	5,033,520	1.90	4,849,157	....
Colusa	23	14,640	1,080	12,089,565	1.20	11,952,410	....
Contra Costa	25	13,515	750	14,841,659	1.35	14,511,019	1,000.00
Del Norte	51	2,592	1,546	1,874,805	2.25	1,804,650	3,714.43
El Dorado	37	9,232	1,891	3,979,547	2.20	3,923,467	102,000.00
Fresno	8	32,026	5,940	28,367,210	1.75	27,538,142	90,000.00
Glenn	37	in Colusa	1,248	10,094,661	1.35	10,002,130	60,000.00
Humboldt	12	23,469	3,507	16,042,339	1.70	15,340,149	20,000 00
Inyo	50	3,544	10,224	7,630,976	2 15	1,602,979	60,990.00
Kern	35	9,808	8,159	16,372,422	1.65	14,867,016	250,000 00
Kings	43	in Tulare	1,257	6,628,234	1 60	6,497.698	32,000 00
Lake	40	7,101	1,332	3,313,537	1 80	2,788,912	50,529.80
Lassen	47	4,239	4,750	2,323,239	2.34	2,608,684	....
Los Angeles	2	101,454	3,880 Catilina 77½	99,520,611	1.45	93,256,089	681,500.00
Madera	42	in Fresno	2,140	6,583,069	1.65	6,169,003	....
Marin	26	13,072	516	12,411,006	1.30	11,964,765	194,000 00
Mariposa	48	3,789	1,580	2,057,115	2.40	2,067,717	12,000.00
Mendocino	17	17,612	3,460	11,697,957	1.80	10,595,583	100,475.14

Merced	39	8,085	1,750	13,592,284	1.45	13,620,147	128,900.00
Modoc	45	4,986	4,097	2,627,193	1.90	2,505,258	....
Mono	52	2,002	2,796	849,508	2.50	996,395	6,000.00
Monterey	15	18,637	3,450	17,372,736	1.50	17,369,589	138,000.00
Napa	19	16,411	800	13,181,579	1.50	12,023,474	10,000.00
Nevada	18	17,369	958	6,519,892	2.40	6,937,064	....
Orange	24	13,589	780	10,819,492	1.50	10,855,800	....
Placer	22	15,101	1,484	9,598,997	1.65	9,224,476	68,000.00
Plumas	46	4,935	2,361	2,233,862	2.25	2,187,970	35,100 00
Riverside	24	in S. Ber'd'no & San Diego	7,008	12,974,972	1.55	12.349,836	....
Sacramento	5	40,339	1,007	36,339,611	1.45	32,769,850	429,500.00
San Benito	41	6,412	1,476	6,591,182	1.35	6,030,957	19,000 00
San Bernardino	10	25,497	20,055	18,365,974	1.30	16,050,118	....
San Diego	6	34,987	8,400	24,130,538	1.80	20,215,200	227,200 00
San Francisco	1	298,997	42	422,273,469	1.3982	352,533,515	291,000 00
San Joaquin	9	28,629	1,370	35,502,994	1.10	30,957,588	179,000.00
San Luis Obispo	20	16,072	3,500	13,822,324	1.67	11,882,796	92,500.00
San Mateo	31	10,087	470	14,851,624	1.45	13,881,574	48,000.00
Santa Barbara	21	15,754	2,450	14,723,870	1.55	12,695,610	7,600.28
Santa Clara	4	48,005	1,355	59,524,701	1.30	51,229,018	112.000.00
Santa Cruz	14	19,270	425	11,862,971	1.85	10,631,659	94,000.00
Shasta	29	12,133	4,050	7,079,950	2.10	7,205,358	56,00-.00
Sierra	44	5,051	910	1,466,760	2.80	1,456,883	10,300 00
Siskiyou	28	12,163	6,078	9,128,048	1.75	8,415,313	65,700 00
Solano	13	20,946	911	17,049,203	1.60	16,464,173	4,500.00
Sonoma	7	32,721	1,540	28,594,538	1.28	25,449,511	137.000 00
Stanislaus	33	10,040	1,486	14,104,934	1.25	11,953,665	10.500.00
Sutter	43	5,469	611	6,756,398	1.35	6,035,535	11,000 00
Tehama	34	3,200	9,916	10,339,274	1.45	10,533,438	47,500 00
Trinity	40	3,276	3,719	1,345,128	2.50	1,439,655	25,500.00
Tulare	11	24,574	4,935	15,970,280	1.60	14,875,748	
Tuolumne	42	6,082	2,232	3,734,585	2 30	5,040,000	8,354.29
Ventura	32	10,071	1,850	7,808,990	1.80	7,306.356	5,000.00
Yolo	27	12,684	1,017	17,353,341	1.18	15,808,705	
Yuba	36	9,636	625	5,523,916	2.20	5.004,502	21,600.00
Totals	..	1,208,130	158,360	$1,266,593,065	..	$1,330,885,697	...

NOTE. — On property situated within an incorporated city the rate is from 20 to 30 cents less than above, because such property is exempt from road tax. All district and city taxes are in addition to the above. Rate of state tax upon $100: 1896, 42.9 cts.; 1897, 51 cts.; 1898, 48.8 cts.

Questions. — In which county do you live? What is the origin of its name? Give a history of its growth and development. What are its leading industries? What is its population? Is its population increasing? What is its area? Give its boundaries as accurately as possible. Are they natural lines? Is the county a natural geographical unit? Where is its natural centre? What counties border upon your county? Name and locate their county seats. What county in the state has the largest area? the smallest? the greatest population? the least? What counties have the highest tax rates? the lowest? Offer any suggestion that may explain the difference in rates. What counties are much in debt? Does debt tend to make the tax rate high? Which county has the most assessable wealth? What proportion is this of the whole state? What county ranks next in property? Suppose that a piece of property in your county was assessed in 1896 at $5000. Compute the amount of taxes paid upon it to the state, to the county. Visit the Court-House of your county (San Francisco, the City Hall) and report upon the building, its size, plan, and location of offices. Visit any of the offices or rooms open to the public and report observations in regard to what may be seen of the work of the office. What other buildings does the county own or use? Visit them wherever practicable and make similar reports.

2. Government of the County

The Constitution of California (Art. XI, sec. 4) requires the legislature to "establish a system of county governments which shall be uniform throughout the state."

The legislature must also "regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population."

The Political Code in Part IV, Title IV, defined the boundaries of the counties existing in 1873, and established the general county offices and their powers and duties. County boundaries have been changed by subsequent Acts of legislature, especially in the formation of new counties. The organization of counties has been made uniform by the general county government law of the legislature of 1883 and subsequent revisions. The latest complete edition (1898) of the County Government Law is found in the Statutes of 1897.

(ABBREVIATIONS. — In the following paragraphs numbers enclosed in parenthesis are references to sections of the County Government Act of 1897; numbers accompanying the letters P. C. are references to sections of the Political Code.)

A county is the largest political division of the State having corporate powers (P. C., 3901).

Its powers can only be exercised by the Board of Supervisors, or by agents and officers acting under their authority, or authority of law (2). It has power:

1. To sue and be sued.
2. To purchase and hold lands within its limits.
3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.
4. To manage and dispose of its property as the interest of its inhabitants may require.
5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law (4).

The Officers of a county are a Sheriff, a County Clerk, an Auditor, a Recorder, a Tax Collector, a District Attorney, an Assessor, a Treasurer, a Superintendent of Schools, a Public Administrator, a Coroner, a Surveyor, the members of the Board of Supervisors, and such other officers as may be provided by law (55). Elected by the voters of each county are the Judges of the Superior Court, and also the Supervisors — five in number (14). Four members appointed by the Board of Supervisors for a term of two years, together with the Superintendent of Schools, constitute a County Board of Education (P. C., 1768). Where necessary, the Supervisors may combine the duties of certain of the above officers, as Sheriff and Tax Collector, etc. (55).

Election, Tenure, etc. — The first twelve officers above mentioned are elected by the voters of the county at the regular State election held in November, 1894, and every four years thereafter. Judges are elected at the same election, but hold office for six years. Supervisors hold office for four years, and are elected two at one election and three two years later by the voters of their districts (58, 15). All officers must be electors of the county, and Supervisors, of their districts; but women are eligible to educational offices (54). All officers take their offices at 12 o'clock M. on the first Monday after the first day of January following the election (58).

Offices and Residence. — All county officers must have their offices at the county seat, and the Sheriff, Clerk, Recorder, Auditor, Treasurer, and District Attorney must keep their offices open from nine o'clock A.M. until five o'clock P.M. (61). No county or township officer shall absent himself from the State for more than sixty days,

and for no period without the consent of the Board of Supervisors (64).

Official Bonds. — The Board of Supervisors prescribes the amount of the official bonds, which must be duly executed before the officers enter upon the discharge of their duties.

Compensation is fixed for county officers by the County Government Law.

Powers and Duties of County Officers

Boards of Supervisors, in their respective counties, have jurisdiction and power: To supervise the official conduct of all county officers; to divide counties into townships, etc.; to establish election precincts, and to appoint inspectors and judges of election, canvass all election returns, and declare the result; to lay out and manage public roads; to provide for the care of indigent sick or the otherwise dependent poor of the county; to provide suitable rooms for county purposes; to cause to be erected a court-house, jail, hospital, and such other public buildings as may be necessary; to examine, settle, and allow all accounts legally chargeable against the county except salaries of officers, and order warrants to be drawn on the County Treasurer therefor; to levy taxes upon the taxable property of their respective counties; to equalize assessments; to maintain public pounds; to direct the prosecution or defence of all suits to which the county is a party; to grant licenses and franchises, to fill, by appointment, all vacancies in any office except those of Judge of the Superior Court and Supervisor; to adopt provisions for the preservation of health, etc. (25).

The enacting clause of all ordinances of the Board shall be as follows: "The Board of Supervisors of the County of —— do ordain as follows" (26).

The County Treasurer must receive all moneys belonging to the county, safely keep the same, and apply or pay them out, rendering the account thereof as required by law; file and keep the certificates of the Auditor; keep an account of the receipts and expenditure of all such moneys; disburse the county moneys only on county warrants issued by the County Auditor, except on settlement with the State, etc. (67–87).

The Sheriff must preserve the peace; arrest and take before the nearest magistrate for examination, all persons who attempt to commit or who have committed a public offence; prevent and suppress any affrays, breaches of the peace, riots and insurrections which may come to his knowledge, attend all Courts, except Justices, and Police Courts, held within his county, and obey their lawful orders and directions; command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties; take charge of and keep the County jail and the prisoners therein; serve all process and notices in the manner prescribed by law, etc. (88–106).

When the Sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the Sheriff to execute, must be executed by the Coroner of the county (104).

The County Clerk must take charge of and safely keep, or dispose of, according to law, all books, papers, and records, which may be filed or deposited in his office; act as clerk of the Board of Supervisors and as clerk of

the Superior Court, and attend each session thereof; issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees; keep for the Superior Court an index of all suits, etc. (20–24. 107). He keeps the great register of voters and sends out copies of the register and all other material for elections to the election officers in each precinct. P. C. 1094–1097.

The Auditor must draw warrants on the County Treasurer in favor of all persons entitled thereto; examine and settle the accounts of all persons indebted to the county; keep accounts current with the Treasurer; examine the books of the Treasurer and see that they are correctly kept; with the Chairman of the Board of Supervisors and the District Attorney, count the money in the treasury once a month (109–118). He also receives the assessment rolls of the county from the State Board of Equalization, makes out the tax bills for all State, county, and district taxes, and turns them over to the Tax Collector (P. C., 3727–3738).

The Recorder must procure such books for records as the business of his office requires; upon the payment of his fees for the same, record in large and well-bound separate books, in a fair hand, deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate leases, mortgages of personal property, certificates of marriage, wills admitted to probate, official bonds, notices of mechanics' lien, transcripts of judgments which by law are made liens upon real estate, etc. He must keep proper indexes to all records. All books of record, etc., in the Recorder's office, must, during office hours, be open to

the inspection of any person and without charge (119–131).

The District Attorney is the public prosecutor and must attend the Superior Court and conduct on behalf of the people all prosecutions for public offences; he must institute proceedings for the arrest of persons charged with public offences; draw all indictments; defend all suits brought against the State or his county; give his opinion in writing to county, district, and township officers on matters relating to the duties of their offices. He is the legal adviser of the Board of Supervisors, and must attend their meetings, when required (132–134).

The County Surveyor must make any survey required by order of Court, the Board of Supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him; make all surveys of county roads, and perform such other engineering work as the Board of Supervisors may require (135–141).

The Coroner must hold inquests as prescribed in the Penal Code, secs. 1510–1519 (cases of violent death). When no other person takes charge of the body, he must cause it to be decently buried, and the necessary expenses may be a legal charge against the county, etc. (142–146).

The Assessor must, between the first Mondays of March and July in each year, ascertain the names of all taxable inhabitants, and all property in his county subject to taxation, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock M. of the first Monday of March next preceding. The assessment book must show:

1. The name of the person to whom the property is assessed.

2. Land, by township, range, section, or fractional section, etc.

3. City and town lots, naming the city or town, and the number of lot and block, according to the system of numbering in such city or town, and improvements thereon.

4. All personal property, showing the number, kind, amount, and quality.

5. The cash value of real estate, other than city and town lots.

6. The cash value of improvements on such real estate.

7. The cash value of city and town lots.

8. The cash value of improvements on city and town lots.

9. The cash value of improvements on real estate assessed to other persons than the owners of the real estate.

10. The cash value of all personal property, exclusive of money.

11. The amount of money, etc. (P. C., 3627–3663).

NOTE. — The Political Code also prescribes the duties of the Board of Supervisors when acting as a Board of Equalization, and of the State Board of Equalization, in regard to assessment of property. The State Board of Equalization is also required between the first and third Monday in September, of each year, to determine the rate of state tax to be levied and collected upon the assessed valuation of the property of the state. It must immediately thereafter transmit to the Board of Supervisors and County Auditor of each county a statement of such rate (P. C., 3672–3705).

The Tax Collector must publish a notice in some newspaper published in the county, if there is one; or if there is not, he must post it in three public places in each township, specifying the time and place at which payment of taxes may be made, and the time when they become delinquent, and the penalty. On the first Monday in each month he must settle with the Auditor for all moneys collected for the state and county, and pay the same to the County Treasurer. He must publish the delinquent list and designate the time and place of sale, etc. (P. C., 3746–3819).

The Superintendent of Schools must superintend the schools of his county; apportion the school moneys to each school district; on the order of the Board of Trustees, draw his requisition upon the County Auditor for all necessary expenses against the school fund of any district; keep, open to the inspection of the public, a register of requisitions; visit and examine each school in his county at least once a year; preside over Teachers' Institutes; issue temporary certificates; distribute all laws, reports, blanks, etc., for the use of school officers; keep in his office the reports of the Superintendent of Public Instruction; keep a record of his official acts and of all the proceedings of the County Board of Education; except in incorporated cities, pass upon, and approve or reject all plans for schoolhouses; appoint Trustees to fill all vacancies; make reports when directed by the Superintendent of Public Instruction, etc. (P. C., 1543–1553).

The County Board of Education is composed of the Superintendent of Schools and four other members appointed for a term of two years by the Board of Supervisors. Two of the appointed members must be teach-

ers. The Board must examine applicants for teachers' certificates; grant certificates of three grades, high school, grammar, and primary; prescribe and enforce a uniform series of text-books, and a course of study, and adopt a list of library books and apparatus for district schools; issue diplomas of graduation (P. C., 1768–1776).

The Public Administrator must take charge of the estates of persons dying within his county, as follows:

1. Of the estates of decedents for which no administrators are appointed, and which, in consequence thereof, are being wasted, uncared for, or lost.

2. Of the estates of decedents who have no known heirs.

3. Of the estates ordered into his hands by the court; and

4. Of the estates upon which letters of administration have been issued to him by the court.

He must, once in every six months, make to the Superior Court, under oath, a return of all estates of decedents which have come into his hands, the value of the same, the money which has come into his hands from such estate, and what he has done with it, etc. (Code of Civil Procedure, 1726–1743).

Jurisdiction of the Superior Court

Superior Courts have jurisdiction of two kinds — original and appellate. They have original jurisdiction in all cases in equity; in all civil actions in which the subject of litigation is not capable of pecuniary estimation; in all cases at law which involve the title or possession of real property, and in all other cases in which the demand, exclusive of interest, amounts to three hundred dollars;

of actions of forcible entry and detainer; of proceedings in insolvency, of actions to abate a nuisance, of all matters of probate, of divorce, and of all such special cases and proceedings as are not otherwise provided for; in all criminal cases amounting to felony. They have the power of naturalization, and to issue writs of mandamus, certiorari, prohibition, quo warranto, and of habeas corpus on petition by, or in behalf of any person in actual custody in their respective counties.

They have appellate jurisdiction in such cases arising in justices' and other inferior courts in their respective counties, as may be prescribed by law (Code of Civil Procedure, 76–79).

Juries

The following definitions are taken from the Code of Civil Procedure, the number of the section of the Code being given after each quotation.

A jury is a body of men temporarily selected from the citizens of a particular district, and invested with power to present or indict a person for a public offence, or to try a question of fact (190). Juries are of three kinds: 1. Grand juries; 2. Trial juries; 3. Juries of inquest (191).

A grand jury is a body of men, nineteen in number, taken from the citizens of a county, or city and county, to inquire into public offences committed within the county (192).

A grand jury must be drawn in every county having less than three Superior Judges once every year; and in all other counties two grand juries must be drawn (241). (See also Penal Code, § 915, etc.)

A trial jury is a body of men returned from the citizens of a particular district before a court, or officer of competent jurisdiction, and sworn to try and determine by verdict a question of fact (193). It consists of twelve men, but in civil cases, if the parties so agree, of a less number (194).

A jury of inquest is a body of men summoned from the citizens of a particular district before the Sheriff, Coroner, or other ministerial officer to inquire of particular facts (195).

Qualifications. A person to act as a juror must be:

1. A citizen of the United States, twenty-one years of age, a resident of the state and of the county.

2. In possession of his natural faculties and of ordinary intelligence, and not decrepit.

3. Possessed of sufficient knowledge of the English language (198).

For further information consult the Code of Civil Procedure, as follows:

Qualifications of jurors, 198–199.
Exemption from jury duty, 200.
Mode of selecting, summoning, and impanelling juries, 204–251.
See also Cyclopedias: Britannica, article, *Jury*. Johnson's, article, *Trial*. Lalor, article, *Jury*.

Subdivisions of Counties

Boards of supervisors in their respective counties have power: To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same and create others as convenience requires (25). In some counties the town-

ships serve also for road and supervisor districts; in the majority, however, they are different areas.

Road districts are convenient divisions of the county for the improvement and care of the highways.

Supervisor districts are divisions of the county according to population for the purpose of electing a supervisor.

Sanitary districts are particular areas organized for the purpose of constructing a sewer system by special taxation. (See Statutes.)

Irrigation districts are particular areas organized for the purpose of building reservoirs and distributing water for irrigation by means of special taxation. They have been established in Colusa, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Shasta, Stanislaus, Tehama, and Yuba Counties. (See Statutes, 1887: p. 29 and amendments in 1889, 1891, and 1893.)

Townships and school districts are treated below in Chapter XVIII.

Questions. — What is the class of your county? Of each adjoining county? (See Table, p. 148.) Are any two counties in the same class? Referring to a copy of the County Government Law, ascertain the pay of every officer of your county. (San Francisco pupils consult the Charter.) Do these salaries include the pay of deputies? From a newspaper find the report of the last meeting of the Board of Supervisors: What was the character of the business transacted? Trace the full history of each of the following acts of county government through the various offices concerned:

1. The opening of a county road.
2. Building a bridge on a county road, including the levying and collection of the necessary funds by property tax.
3. The record of a deed.

4. The foreclosure of a mortgage.
5. Probating a will.
6. The care and distribution of the estate of a deceased person by the public administrator.
7. The conduct of an election.
8. The apprehension of persons suspected of highway robbery.
9. Granting a teacher's certificate.

So far as possible, study out the above matters from actual instances that may come under your observation, either directly or through the newspapers. Obtain a deed and verify the record in the proper volume in the recorder's office. Make a collection of the proclamations, notices, sample ballots, etc., employed in an election. Very valuable work may be done by studying the finances of some particular county, preferably one's own. Watch the county papers for publications of reports of county officers, as the auditor and treasurer. Inquire of these officers, or of the county clerk, for annual reports. The following tables (pp. 164–174) are taken from an annual statement for Alameda County, compiled and published by the county clerk.

Questions on the Taxation Table (p. 164). — Are any changes noticeable from year to year? Compute the amount produced for any year at the above rates, for the State Expenses, General County Expenses, County School Fund, etc. Which bears the greater part of the burden, real estate or personal property? Among what funds are the revenues derived from the annual taxes distributed? (See Treasurer's Balance Sheet, p. 165.) What officers control the expenditures? What officers keep records of these funds?

Number of Acres of Land and Valuation of Property, Alameda County

Items Assessed	1893	1894	1895	1896	1897
Number of Acres of Land	454,407.00	452,849.48	444,454.50	442,995.29	419,418.26
Value of Real Estate other than City and Town Lots	$17,021,625.00	$16,960,800.00	$17,456,044.00	$18,082,516.00	$17,517,891.00
Value of Improvements on Real Estate other than City and Town Lots	2,774,900.00	2,681,000.00	3,338,526.00	3,431,284.00	3,088,178.00
Value of City and Town Lots	39,842,350.00	39,577,700.00	40,335,743.00	42,705,882.00	40,921,801.00
Improvements on City and Town Lots	23,574,200.00	24,452,400.00	22,374,740.00	23,277,752.00	22,453,500.00
Total Value of Real Estate	56,863,975.00	56,538,500.00	57,791,787.00	60,788,398.00	58,439,692.00
Total Value of Improvements on Real Estate	26,349,100.00	27,133,400.00	25,713,266.00	26,709,037.00	25,561,678.00
Money	....	....	....	....	471,601 00
Value of Personal Property, including Money	7,694,615.00	7,524,519.00	8,806,291.00	9,411,276.00	8,148,650.00
Value of Railroads assessed by State Board of Equalization	1,988,865.00	1,993,077.00	1,993,153.00	1,945,361.00	1,940,821.00
Total Value of Property	$92,896,555.00	$93,189,496.00	$94,304,497.00	$98,854,072.00	$94,562,442.00
Reduced by State Board of Equalization to	....	....	....	....	84,889,547.00

Rates of Taxation, 1892–1897, on Each $100

	1892	1893	1894	1895	1896	1897
State Revenue	$0.434	$0.576	$0.493	$0.685	$0.429	$0.510
County General	.206	.214	.250	.275	.300	.320
County Infirmary	.035	.040	.107	.040	.071	.060
County School	.100	.150	.150	.180	.170	.240
County Building	.025	.020	....	....	....	....
Total	$0.800	$1.000	$1.000	$1.180	$0.97	$1.130
Road and Bridge Tax	.300	.350	.350	.350	.33	.370
Total Rate	$1.10	$1.35	$1.35	$1.53	$1.30	$1.50

Treasurer's Balance Sheet, January 3, 1898

Alameda County

State Revenue	$ 348.05
County General	99,017.58
County Infirmary	35,385.15
Common School	244,558.89
Teachers' Institute and Library	731.38
Salary	2,619.19
Swamp and Tide Land	2,929.04
Law Library	581.65
Road and Bridge	110.73
General Road	5,489.53
Altamont District Road	830.55
Alvarado District Road	2,479.55
Bay District Road	2,624.59
Brooklyn District Road	10,056.40
Castro Valley District Road	1,357.45
Centreville District Road	820.99
Claremont District Road	402.81
Decoto District Road	1,076.77
Dublin District Road	277.65
Fruit Vale District Road	6,145.88
Mission District Road	701.97
Mt. Eden District Road	2,619.67
Murray District Road	2,573.10
Newark District Road	1,236.53
Niles District Road	791.46
Ocean View District Road	464.58
Palomares District Road	401.14
Peralta District Road	1,478.76
Piedmont District Road	1,523.15
Pleasanton District Road	1,457.47
San Lorenzo District Road	4,333.27
Temescal District Road	3,791.25
Vallecito District Road	1,604.74
Washington District Road	1,417.84

Road Damage	$518.00
Niles School Building	2.72
Union School Building	231.90
Valle Vista School Building	2.05
Russell School Building	194.19
Bay School Building Bond	2,823.15
Elmhurst School Building Bond	675.13
Fruitvale School Building Bond	331.44
Hays School Building Bond	.72
Lorin School Building Bond	1,656.93
Newark School Building Bond	622.94
Niles School Building Bond	790.80
Peralta School Building Bond	1.21
Piedmont School Building Bond	3,261.94
Pleasanton School Building Bond	2,888.11
Russell School Building Bond	582.68
Sunol Glen School Building Bond	1.35
Temescal School Building Bond	10.46
Union School Building Bond	777.98
Valle Vista School Building Bond	269.20
Warm Springs School Building Bond	740.74
Adeline Sanitary (Running Expense)	.56
Adeline Sanitary (Bond and Interest)	441.50
Fruitvale Sanitary No. 1 (Running Expense)	1,823.64
Fruitvale Sanitary No. 1 (Bond and Interest)	3,220.57
Fruitvale Sanitary No. 2 (Running Expense)	534.23
Fruitvale Sanitary No. 2 (Bond and Interest)	3,136.12
Golden Gate Sanitary (Running Expense)	446.09
Golden Gate Sanitary (Sewer Construction)	....
Golden Gate Sanitary (Bond and Interest)	1,707.39
Piedmont Sanitary (Running Expense)	1,603.74
Piedmont Sanitary (Sewer Construction)	....
Piedmont Sanitary (Bond and Interest)	2,653.00
Estate of Jim Gong	7.90
Union High School No. 1	5,361.72
Union High School No. 2	5,159.24
Union High School No. 3	4,584.84

Special School Fund

Berkeley	$501.56
Emeryville	182.28
Fruitvale	4.25
Hays	5.95
Lockwood	7.50
Oakland	48.63
Peralta	53.47
Sunol Glen	85.25
Temescal	1.00
Union	3.60
Valle Vista	2.00
Total	$490,199.23

Questions. — Select some item of the above that comes the nearest to your own opportunities for observation. See if you can ascertain the total expenditure from this fund for the past year, and how much benefit the public received therefrom. Was the money wisely and economically expended? If not, why not?

Directory of the County Government

From the State Blue Book, from the newspapers published in the county, from inquiry, or from county records and publications, compile a Directory of the County Government of your county like the following. If possible, include the names of all deputies under their proper offices. Supply residences and any other facts of interest in regard to the officers.

Alameda County, 1897–1898

Judges of the Superior Court

Hon. W. E. Greene, Hon. John Ellsworth,
Hon. Frank B. Ogden, Hon. Samuel P. Hall.

County Clerk and Ex-Officio Clerk of the Superior Court

Frank C. Jordan.

District Attorney, Charles E. Snook.
Sheriff, Calvin B. White.
Assessor, Henry P. Dalton.
Auditor, Myron A. Whidden.
Recorder, Charles H. Spear.
Tax Collector, James B. Barber.
Treasurer, O. M. Sanford.
Superintendent of Schools, J. P. Garlick.
Surveyor, Geo. L. Nusbaumer.
Coroner, R. O. Baldwin.
Public Administrator, W. H. Knight.

Board of Supervisors, 1897–1898

Thomas D. Wells	District No. 1
J. R. Talcott	District No. 2
Will H. Church	District No. 3
Charles Roeth	District No. 4
John Mitchell	District No. 5

J. R. Talcott, Chairman.
Frank C. Jordan, Clerk.

Standing Committees, 1897–1898

Judiciary, County Buildings and Improvements — Mitchell, Roeth, and Church.

Auditing and Finance — Mitchell, Church, and Roeth.

Roads, Bridges, and Franchises — Roeth, Wells, and Mitchell.

Hospital — Church, Mitchell, and Roeth.

Printing — Roeth, Mitchell, and Wells.

APPOINTIVE

County Expert — Fred A. Davis.
Game Warden — J. L. Donovan.
Superintendent County Infirmary — Dr. W. A. Clark.
Physician and Surgeon County Jail — Dr. Chas. M. Fisher.
Physician Receiving Hospital — Dr. R. T. Stratton.

Health Officers

Oakland Township, B. T. Mouser.
Washington Township, Dr. J. P. Young.
Murray Township, Dr. R. O. Bellamy.

Horticultural Commissioners

A. D. Pryal, Wm. Barry, E. O. Webb.

County Board of Education

W. F. B. Lynch, President.
J. P. Garlick, Secretary.
W. B. Ludlow, H. C. Petray, J. H. Eickhoff.

Justices of the Peace, Alameda County

Alameda Township — H. T. Morris, G. A. Swasey.
City of Alameda — A. F. St. Sure, Recorder.
Oakland Township — F. C. Clift.
City of Oakland — J. J. Allen and Fred H. Wood, City Justices.
Town of Emeryville — J. J. Quinn, Recorder.
Brooklyn Township — E. L. Lawrence.
Eden Township — J. E. Quinn, Jos. Pimentel.
Washington Township — E. A. Richmond, S. Sandholdt.
Murray Township — J. H. Taylor, Wm. Brophy.

Constables

Oakland Township — J. F. Cronin, G. A. Koch.
Town of Emeryville — James T. Cushing, Marshal.
Brooklyn Township — Chas. F. Weldon, J. W. Glaze.
Alameda Township — H. W. Van Kapff, Geo. D. Gray.
Eden Township — W. J. Ramage, J. A. Gallet.
Washington Township — George Wales, S. B. Vandervoort.
Murray Township — L. Lyster, G. S. Fitzgerald.

Questions on the Directory. — How many of these offices are filled by popular election? What other appointive officers are there whose names do not appear here? Make an estimate of the number of persons engaged in the government of this county. To whom are they responsible for their official conduct? Can such responsibility be as direct and definite as in a business corporation?

Receipts and Disbursements

By County Treasurer

Receipts, 1897

State and County Taxes	$813,128.65
School Taxes	183,119.67
Personal Property Taxes	25,749.78
Poll Taxes	20,584.45
Road Poll Taxes	6,136.15
School Moneys received from State	271,747.33
Railroad Taxes	15,872.22
Redemption	7,388.84
Delinquencies	3,401.73
State School Lands	104.44
Collateral Inheritance Tax	7,029.52
Licenses	14,546.15
Fines	3,049.20

Fees earned by County Officers	$37,104.21
Law Library, Fees and Dues	1,685.00
Teachers Institute and Library Fees	452.00
Feeding United States Prisoners	576.80
Return One-half Salary Webster Street Bridge Tender	800.00
Advertising	841.50
Sale Old Lumber and Bricks	257.30
Sale of Property Unknown and Indigent Dead	29.37
Overcharge in Claims	9.75
Return of Money by Hamburg Commission	250.00
Costs of Suit, Buswell *vs.* Supervisors	428.10
Money Found on Deceased Indigent	117.05
Maintenance Orphans by the State	10,165.55
Manse Clinics	58.95
Error in Claims	7.00
Sale of Dirt (Fruitvale District)	195.50
Sale of Rock (Peralta District)	20.00
Duplicate Claims (Brooklyn District)	30.00
Donation (Brooklyn District)	150.00
School Building Funds — Sale of Bonds	3,210.00
Bay School District Taxes	2,723.30
Elmhurst School District Taxes	225.70
Fruitvale School District Taxes	3,018.85
Hays School District Taxes	.72
Lorin School District Taxes	1,507.67
Newark School District Taxes	515.95
Niles School District Taxes	707.78
Peralta School District Taxes	1.21
Piedmont School District Taxes	2,897.40
Pleasanton School District Taxes	2,758.23
Russell School District Taxes	582.68
Temescal School District Taxes	10.46
Union School District Taxes	698.83

Questions. — From the above examples, what are the chief sources of county revenues? What are miscellaneous sources? Can any other sources of revenue be suggested? What money is received by the Treasurer that is not to be expended in the

county? What money is received from the State Treasury? How were the School District Taxes levied? By whom are they to be spent? For what purposes? Why do not the names of all school districts appear in this statement?

Disbursements, 1897

Total Amount paid by order of Board of Supervisors	$381,054.78
Total Amount paid for Salaries of County Officials .	121,154.19
Amount expended for Maintenance of Public Schools	430,713.05
Total Amount paid on Orders of Judges and Justices	17,737.30
Payments made by County Treasurer by Authority of the Statutes	548,679.11
Total Disbursements	$1,499,338.43
By Balance in County Treasury, January 2, 1898 . .	490,199.23
	$1,989,537.66

SUMMARY OF CLAIMS ALLOWED AGAINST THE COUNTY OF ALAMEDA DURING 1897

MAINTENANCE OF GOVERNMENT.

(*a*) *Legislative and Executive.*		
Board of Supervisors — Salaries and Mileage Fees	$11,521.70	
County Clerk — Salaries and Incidental Disbursements	23,556.60	
County Recorder — Salaries and Incidental Expenses	18,228.57	
Surveyor — Incidental Expenses of Office	185.05	
General Expense — Accounts other than Departments and Districts	24,631.26	$78,123.18
(*b*) *Election Expenses*[1]		212.70
(*c*) *Legal.*		
County Litigation — Expenses . .		284.00
		$78,619.88

[1] Not a regular election.

(*d*) *Financial System.*

State Government — Contribution from Alameda County	$460,132.79	
Assessor — Salaries and Incidental Expenses	25,915.50	
Auditor — Salaries and Incidental Expenses	6,534.88	
Tax Collector — Salaries and Incidental Expenses	11,319.54	
Treasurer — Salaries and Incidental Expenses	6,517.45	
Rebates — Taxes, Fines, etc.	5,257.17	
Interest on Registered Warrants	130.53	$515,807.86
		$594,427.74

CARE OF PUBLIC GROUNDS AND BUILDINGS.

Court House — Expenses of Maintenance and Repair	$8,321.53	
Hall of Records — Expense of Maintenance and Repair	12,448.97	
Grounds and Gardens — Care of and Maintenance	2,315.45	$23,085.95

PUBLIC EDUCATION.

Board of Education — Salaries and Incidental Expenses	$1,396.25	
Superintendent of Schools — Salaries and Incidental Expenses	4,997.22	
Schools — Disbursements in Various Districts	445,482.33	
Teachers' Institute — Expenses	217.90	
Law Library	2,297.25	
School Building	3,526.01	
Union High and Special Schools — Maintenance and Expenses	42,587.30	
Bonds, etc.	19,053.00	$519,557.26

PUBLIC CHARITIES AND HOSPITALS.

Infirm and Aged — County Infirmary Expenses	$55,953.69	
Emergency and Accident — Receiving Hospital and Insane Annex Expenses	6,308.53	
Indigents — Supplies to	17,353.95	
Indigents — Burial of	2,215.00	
Criminals — Feeding of	5,043.60	
Incorrigibles — Maintenance at Reform Schools	1,664.00	$88,538.77

PUBLIC JUSTICE AND PROTECTION.

Coroner — Fees and Expenses	$6,649.38	
County Jail — Maintenance and Repairs	4,470.56	
Constables — Fees and Expenses	14,510.60	
District Attorney — Fees and Expenses	16,002.98	
Grand Juries — Expenses and Compensation	2,324.10	
Health Officers — Salaries	249.35	
Judges, Superior — Half of Salaries paid by Alameda County	20,204.33	
Justices' Courts — Fees and Expenses	9,819.85	
Rebate of Fees	13.94	
Appraisers' Fees	66.70	
Sheriff — Salaries and Expenses	18,118.17	
Stenographers — Fees, etc.	16,573.91	
Sanitary Districts — Running Expenses and Redemptions	20,734.33	
Township Jails — Expenses of Maintenance	44.75	
Witness Fees — Criminal Cases	1,354.78	$131,137.73

PUBLIC HIGHWAYS.

County Roads — Maintenance and Betterment		$147,367.14

Questions. — What four authorities have power to order payments from the County Treasury? What are the largest items of expenditure, excluding the payments to the State Treasury? What persons in the county control the largest part of public expenditure? Compare the amount expended for public charity with that spent for maintaining the public schools. Which does the more good? Compare cost of the courts with that of the schools. Could it be shown that if people were better educated the courts might cost less? What lines of expenditure seem to you extravagant, if any? What lines ought to be increased?

Outlines of Legal Procedure

(chiefly in the superior court)

Look up the following references and report precise definitions. Consult also dictionaries and law dictionaries, as Abbott's Law Dictionary and Anderson's Dictionary of Law, for each particular.

1. Outline of Civil Action in the Superior Court. See sections of Code of Civil Procedure as follows: Complaint, 405, 425–426. Summons, 407–416. Demurrer, 430. Answer, 437. Pleadings, 420–422. Judgment, 577. Issues and mode of trial, 588–591.

2. Ascertain the meaning of the following terms: Injunction, 525. Attachment, 537. Costs, 1021–1024. Writ of review, 1062–1071. Writ of mandate, 1084–1087. Writ of prohibition, 1103–1104.

3. What is an appeal? 938–940.

4. Give the meaning of the following terms in Probate business. See dictionaries and Code of Civil Procedure, Part III: Title XI: Will. Probate. Executor. Administrator. Guardian.

5. What is the law for the distribution of the estate of a person dying intestate? Civil Code, 1386.

6. What is the right of eminent domain? Code of Civil Procedure, 1237–1241.

7. Give exact definitions for the following. See sections of Penal Code as follows: Crime, 15. Punishments, 15. Felony, 17. Misdemeanor, 17. Lawful Resistance, 692–694.

8. Outline of Criminal Procedure before a magistrate and in the Superior Court. See sections of the Penal Code as follows: Complaint, 806. Warrant for arrest, 811, etc. Magistrates who may issue warrants, 807–808. Arrest, 834–851. Examination, 858–870. Testimony, C. C. P. 1827, 1878–1884. Result of examination, 871–872. Holding to answer and commitment, 872–873, 877. Bail, 875. Indictment, 888, 950–952. Arraignment, 976, 988. Demurrer, 1002, 1004. Plea, 1016, 1017. Change of venue, 1033–1038. Formation of the jury, 1046–1049. Challenging the jury, 1055–1088. Trial, 1041–1042, 1093. Evidence, argument, charge to the jury, verdict, 1135–1157. Acquittal and discharge, 1165. Exceptions, 1170–1173. New trial, 1179–1181. Arrest of judgment, 1185–1188. Judgment and execution, 1191–1220. Appeal, 1235–1243.

9. Having completed the studies indicated above, give a complete account of the trial of a civil case in the Superior Court; of the probating of a will; of the care of the property of a minor; of a criminal case in which the offence charged is a felony.

10. So far as possible illustrate each point in the above (No. 9) by actual instances either of personal knowledge or from newspaper report.

11. After consultation with your parents or adult friends visit some court-room and make a report upon the business transacted.

Write a Topical Review of the work on California County Government, making use of the form given for the school district on page 188 with proper changes in the list of officers.

3. History and Description of County Government

Bibliography

Gomme. Literature of local institutions.

General

Fiske. Civil government, ch. iii.
Howard. Local constitutional history, pt. iii.
Wilson. The state. Index, *county*, *sheriff*.
Langmead. English constitutional history, 16–18.
Chalmers. Local government, ch. vi.
Stubbs. Constitutional history of England, I: 128–139.
Freeman. Comparative politics, ch. iii.

In California

Bancroft. California, VI: ch. xix.
Cronise. Natural wealth of California, ch. iii.
Special county histories, usually illustrated.
New Year's editions of San Francisco daily papers.

In Older States

Ford. American citizen's manual, I: ch. ii.
Hart. Practical essays, ch. vii. Same in Chautauquan, XIV: 274–278 (Dec., 1891).

Hart. American history told by contemporaries, II: 188–208.

See Atlases and volumes of American Commonwealth Series for maps showing counties in various states.

The following are in volumes of the Johns Hopkins University Studies:

Channing. Town and county government, II: x.

Ingle. Virginia local institutions, III: ii, iii.

Shaw. Local government in Illinois, I: iii.

Gould. Local government in Pennsylvania, I: iii.

Johnson. Old Maryland manors, I: vii.

Wilhelm. Maryland local institutions, III: v, vii.

Ramage. Local government in South Carolina, I: xii.

Bemis. Local government in the South and Southwest, XI: xi, xii.

CHAPTER XVIII

THE TOWNSHIP AND ITS MODIFICATIONS

1. The New England Town and its History

The township organization, with town meeting and election of local officers, was adapted by the founders of New England from the parish system of England at the time of the colonization. Parish, or township, history in England carries the student back to the beginnings of the nation in the days of Teutonic settlement. A still older chapter in this history can be found in the institutions of the early Germans. Thus the town is far the oldest of our institutions. This history can be studied from the following references:

EARLY HISTORY AND DESCRIPTION OF THE TOWNSHIP

Fiske. Civil government, ch. ii.

Fiske. American political ideas, ch. i.

Howard. Local constitutional history, pt. 1.

Wilson. The state. Index, *towns*, *township*, *parish*.

Maine. Village communities, 78–82.

Seebohm. English village community. *Maps*.

Chalmers. Local government, chs. ii, iii.

Hearn. Aryan household, ch. ix.

Laveleye. Primitive property, chs. ii, iv, vii.

Gomme. Village community. *Maps*.

Stubbs. Constitutional history of England, I: ch. v.

Langmead. English constitutional history, 5–16.

IN NEW ENGLAND

Howard. Local constitutional history, 50-99.

Hart. Practical essays, ch. vi. Same in Chautauquan, XIV: 145–149 (Nov., 1891).

Taylor. English constitution, I: 29–31.

Quincy. Municipal history of Boston, chs. i–iii.

Winsor. Memorial history of Boston, I: Colonial period, chs. iii, etc.

Andrews. United States, I: 39–47.

Hildreth. United States, I: ch. vii.

Parker. Origin, etc. of New England towns, Mass. Historical Society, 1866–1867.

Adams. Genesis of the Massachusetts town, Mass. Historical Society. Proceedings, VII: 172–263 (Jan. 1892).

Hart. American history told by contemporaries, II: 212–223.

The following are in volumes of the Johns Hopkins University Studies:

Andrews. River towns of Connecticut, VII: vii–ix.

Hosmer. Samuel Adams, the man of the town-meeting, II: iv.

Levermore. Town and city government of New Haven, IV: x. Republic of New Haven, Extra vol. I.

Channing. Town and county government, II: x.

Adams. Germanic origin, I: ii.

Modern Town-meeting

Hart. Town government in Cape Cod, Nation, LVI: 343 (May 11, 1893).

Fiske. Town-meeting, Harper's monthly, Jan. 1885.

Hosmer. Samuel Adams. ch. xxiii (Town-meeting of to-day).

A good understanding of the character and scope of the business transacted at the annual meeting of a New England town can be gained from the following copy of the Town Warrant of the Town of Andover, Mass., as published, in announcement of the meeting, in the *Andover Townsman* of March 4, 1898.

Town Warrant

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Andover, qualified to vote in town affairs, to meet and assemble in the Town House, in said Andover, on Monday, the seventh day of March, 1898, at nine o'clock A.M., to act on the following articles, namely:

Article 1. — To choose a Moderator to preside at said meeting.

Article 2. — To choose Town Clerk, Treasurer, Collector of Taxes, one member of the Board of Selectmen, Assessors, and Overseers of the Poor for one year or three years as the meeting may determine, and one member for one year to fill vacancy, one member of the Board of Health for three years, and one member for two years to fill vacancy, three members of the School Committee for three years, one Water Commissioner for three years, one Trustee of the Memorial Hall for seven years, one Sewer Commissioner for three years, Superintendent of Streets, five Trustees of Punchard School for three years, one or more Auditors of Accounts, Constables, Fence Viewers, Field Drivers, Surveyors of Lumber, a Pound Keeper, Fire Wards, and any other officers the town may determine to choose.

Article 3. — To take action on the following question, "Shall Licenses be granted for the sale of Intoxicating Liquors in this town?"

Article 4. — To determine what sums of money shall be appropriated for Schools, Schoolhouses, School Books and Supplies, Highways and Bridges, Sidewalks, Removing Snow, Horses and Drivers, Town Officers, Town House, Hay Scales, Fire Department, Insurance, Street Lighting, Printing and Stationery, Spring Grove Cemetery, Memorial Day, State and Military Aid, Waterworks, Interest on Bonds, Funds and Notes, State and County Taxes, Abatement of Taxes, Almshouse Expenses, Relief out of Almshouse, Repairs on Almshouse, and other town charges and expenses.

Article 5. — To see if the Town will appropriate a sum of money for a Steam Fire Engine on petition of the Engineers.

Article 6. — To see if the Town will appropriate a sum of money for an addition to the present Engine House No. 1, for a stable, on petition of the Engineers.

Article 7. — To see if the Town will appropriate a sum of money to paint and repair Engine House at Ballard Vale, on petition of Engineers.

Article 8. — To see if the town will accept Chapter 386, Acts of 1895, as amended by Chapter 139, Acts of 1897, entitled an Act to authorize the Town of Andover to establish a system of Sewerage.

Article 9. — To see if the Town will accept that portion of the system of sewers shown on plan of McClintock and Woodfall, dated January, 1894, lying on the east side of the Shawsheen River, together with the outlet to the Merrimac River, as a sewerage system and authorize the construction thereof.

Article 10. — To see if the Town will authorize the issue of Eighty Thousand Dollars of Bonds for Sewer construction, on recommendation of Sewer Commissioners.

Article 11. — To see if the Town will appropriate a sum of money to extend the concrete walk around the southerly end of Crescent Park, on petition of the Village Improvement Society.

Article 12. — To see if the Town vote to and will revoke its acceptance of the laws providing for the election of Selectmen, Assessors, and Overseers of the Poor, for terms of three years, on Petition of George H. Poor and nineteen others.

Article 13. — To see whether the Town will appropriate One Thousand Dollars to purchase of John H. Flint the present temporary entrance to Carmel Woods, and a new entrance from Walnut Avenue, as recommended by the Park Commissioners.

Article 14. — To see if the Town will appropriate Twelve Hundred Dollars for general use of the Park Commissioners for the ensuing year.

Article 15. — To see whether the Town will authorize the Park Commissioners to sell such wood as may be cut in Carmel Woods, and apply the proceeds in extension of work therein.

Article 16. — To see whether the Town will adopt Chapter 190 of the Acts of 1896, relating to Tree Wardens, or Chapter 254 of the Acts of 1897, relating to a Forester to have charge of the trees in the highways, on petition Village Improvement Society.

Article 17. — To see if the Town will authorize the issue of Five Thousand Dollars of Water Bonds for construction purposes, on petition of the Water Commissioners.

Article 18. — To see if the Town will appropriate a sum of money for care of the Public Dump, on petition of Village Improvement Society.

Article 19. — To act on the reports of Town Officers.

Article 20. — To see if the Town will accept the list of names of Jurors prepared by the Selectmen.

Article 21. — To fix the pay of the Firemen for ensuing year.

Article 22. — To determine the method of collecting the taxes the ensuing year.

Article 23. — To determine the disposition of unexpended appropriations.

Article 24. — To hear the final report of the Committee on the Celebration of the 250th Anniversary of the Settlement of the Town, and appropriate a sum of money as recommended therein.

Article 25. — To authorize the Treasurer to hire money

for the use of the Town in anticipation of Taxes, upon the approval of the Selectmen.

Article 26. — To determine the amount of money to be raised by taxation the ensuing year.

Article 27. — To transact any other business that may legally come before the meeting.

Given under our hands at Andover this twenty-third day of February, in the year one thousand eight hundred and ninety-eight.

ARTHUR BLISS,
SAMUEL H. BOUTWELL,
JOHN S. STARK,
Selectmen of Andover.

The following is a list of appropriations; a part of these are the amounts recommended by several of the departments. Those marked thus * are the amounts of last year.

Schools	$21,000.00
School-houses	2,000.00
School-books and Supplies	1,500.00
*Repairs on Highways and Bridges	3,000.00
*Macadamized Roads	4,000.00
*Sidewalks	1,500.00
*Removing Snow	500.00
Town Officers	5,000.00
Town House	1,000.00
Water-works, Maintenance	4,200.00
Sinking Fund	875.00
Fire Department, Running Expenses	2,500.00
New Apparatus, Stable Repairs	7,800.00
Fire Alarm, Maintenance	300.00
Horses and Drivers	3,000.00

*Street Lighting	$4,100.00
Printing and Stationery	700.00
Spring Grove Cemetery	200.00
Memorial Day	200.00
State Aid	1,600.00
Military Aid	300.00
Expenses of Almshouse	4,000.00
Relief out of Almshouse	5,000.00
Repairs on Almshouse	500.00
State Tax	5,000.00
County Tax	5,000.00
Abatement of Taxes	300.00
*Interest on Notes, Funds, and Bonds	9,500.00
Insurance	500.00
Hay Scales	50.00
Miscellaneous	1,500.00
Total	$9,6625.00

Respectfully submitted,

ARTHUR BLISS,
SAMUEL H. BOUTWELL,
JOHN S. STARK,
Selectmen of Andover.

Questions. — What business does the Andover town-meeting transact? How does this compare with the business of a California county? What is the difference in method? What sort of knowledge and experience must be required to transact the business of the Andover town-meeting? What would you consider the chief merits of the town system? State conditions under which these advantages would be lost. Make a further study of New England town by getting accounts from people who have lived in New England town, by getting newspaper copies of town documents or reports of town-meetings, or from the published town reports. Work out the following outline:

The New England Town

(Briefly describe each topic.)

1. Area.
2. Population.
3. Town-meeting and its work.
4. Elected officers and their duties.
5. Scope of town government.
6. Advantages of town government.

2. The California School District

A School District is a convenient area within a county organized for the purpose of maintaining a public school. Districts are designated by names, as Alvarado, Eureka, Hays, Pleasanton, Stony Brook Districts of Alameda County. They vary in size and form according to the topography of the region and the density of population. In localities where settlement is rapidly thickening, there is a strong tendency to subdivide districts up to the limit imposed by the law. In portions of the state once covered by Spanish ranchos, often the names and sometimes the boundaries of these ranchos are perpetuated in the school districts. A list of the districts in any county may always be found in the office of the County Superintendent of Schools or in the office of the State Superintendent of Public Instruction at Sacramento. Maps showing the boundaries of school districts of any county can always be found in the office of the County Assessor and sometimes in the office of the Superintendent.

The organization of school districts is uniform throughout the state, in accordance with provisions of the Political Code.

The portions of the Political Code that relate to the government of schools are gathered together in a small volume entitled "School Law of California," and issued for the use of schools from the office of the Superintendent of Public Instruction. The organization and government of school districts can be ascertained from the following sections of the School Law: — Formation of districts, 1575–1583; election of School Trustees, 1593–1602; their powers and duties, 1611–1624; duties of Clerks of school districts, 1649–1651; general rules for schools and pupils, 1662–1687; duties of teachers, 1696–1704; powers and duties of the Superintendent of Schools, 1543–1553; and of the County Board of Education, 1768–1776, 1874; provision for a County School Fund from county taxation, 1817–1820; district taxes, 1830–1839; and regulations in regard to State School Funds and the apportionment of school moneys, 1857–1861. Identity of the school district with the self-governing township of older states is seen in the method of taxation by direct vote of the people of the district and by the occasional use of the public meeting for discussion. Such meetings are called for the purpose of determining or changing the location of the schoolhouse, for consultation in regard to any litigation the district may be engaged in, or any other important affairs of the district (P. C. 1617, Twentieth).

Questions. — What is a school district? What may be its area? By whom is it created? How is it designated? What general rights and powers does it possess? What are its officers? How are they selected? Who are eligible? Describe the election. What are the powers and duties of trustees? What is the business of the clerk? What are the

powers of the electors in the district? On what occasions and in what way may they be brought together in public meeting? What are the duties of the teacher? What are the duties of the pupils? Where does the money come from to build a schoolhouse? Trace the full history of a tax for building a schoolhouse. What is the County School Fund? How is it raised? How is it distributed? What is the State School Fund? How is it distributed? Why does the Assessor need to know the boundaries of the school districts? How is a teacher's certificate obtained? Write a full history of the formation of a school district, its organization, equipment with building, furniture, etc., and the employment of a teacher, showing the action of every officer concerned. Complete the following Topical Review:

The California School District

I. Area.
II. Population.
III. General powers.
IV. Outline of organization.

Parts.	Description.	Powers and Duties.
1. Electors		
2. Taxpayers		
3. Trustees		
4. Clerk		
5. Superintendent		
6. County Board of Education		
7. Teacher		
8. Pupils		

3. The Township in California

The term "Township" is used in California to denote: *a*. The unit of area in the United States land survey, — a square of thirty-six square miles; *b*. a subdivision of the county established by the Board of Supervisors in accordance with the County Government Law (p. 153) and serving the following purposes:

1. The area for the assignment of election officers, and a unit for the collection of election returns.

2. Very generally the unit in the assignment of representation in the conventions of political parties. This develops some unity of political life in the township.

3. Occasionally the township is the same as a supervisor district.

4. Sometimes for the allotment of funds in road improvement.

5. Universally as the basis of election of Justices of the Peace and Constables. A Justice's Court is the elementary court in the state system. (See California Const., Art. VI, secs. 1 and 2.) The Constitution permits the organization of township governments with power of taxation and management of local affairs (Art. XI, sec. 4); but so far (1898) there has been no movement in this direction.

Townships

Townships are found in all counties except San Francisco. Amador, Alpine, Contra Costa, Inyo, Kern, Lassen, and San Mateo, have five townships each, designated by numbers. Some other counties, as Santa Barbara and Placer, have eight or ten, designated in the same way.

In the majority of counties, however, townships are designated by names. The following examples illustrate township names, and show their variation in population:

Alameda County

Township	Population 1890	Township	Population 1890
Oakland	12,040	Murray	5,937
(Exclusive of Oakland City.)		Brooklyn	3,108
Eden	7,336	Alameda	11,165
Washington	5,596		

Los Angeles County

Township	Population 1890	Township	Population 1890
Fairmount	721	Rowland	736
Soledad	2,711	Los Nietos	1,926
San Fernando	1,110	Downey	3,538
Calabasas	440	Long Beach	1,051
Los Angeles	2,996	Wilmington	2,360
(Exclusive of Los Angeles City.)		Compton	2,013
Pasadena	7,222	Chautauqua	668
El Monte	2,557	San Antonio	3,269
San Gabriel	1,713	Ballona	4,492
South Pasadena	623	Cahuenga	1,725
Azusa	1,851	Santa Monica	2,327
San José	5,010		

Marin County

Township	Population 1890	Township	Population 1890
San Rafael	3,718	Novato	554
(Exclusive of San Rafael City.)		Punta Reyes, Tomales	1,866
Sausalito	2,403	San Antonio	337
Bolinas, Nicasio	904		

Sacramento County

Township	Population 1890	Township	Population 1890
Sutter	2,096	San Joaquin	1,383
Granite	1,970	American	642
Lee	540	Center	389
Cosumnes	359	Natoma	318
Michigan Bar	85	Mississippi	316
Alabama	414	Georgiana	1,311
Dry Creek	963	Brighton	1,282
Franklin	1,885		

History of California Township

References

As the California township is merely a subdivision of the county used chiefly for judicial organization, its history must be found in the subject of county history, No. V. The offices of Justice of the Peace and Constable can be studied as particular topics in themselves, for which see the following:

Howard. Local constitutional history, Index.

Smith, P. V. English institutions, ch. iii.

Medley. English constitutional history. Index.

Organization of the Judicial Township

The Officers of a township are two[1] Justices of the Peace, two Constables, and such inferior and subordinate officers as may be provided by law.

[1] Townships containing cities that elect a City Justice have but one Township Justice, and in townships having a population of less than three thousand, the Supervisors may allow but one Justice and one Constable (58).

Elections take place at the same time and in the same manner as for county officers (58). Any elector of the township is eligible for election (54) (P. C. 4102). A Justice's Court may be held at any place within the township, and must be always open for the transaction of business.

Powers and Duties

Justices' Courts have *civil jurisdiction* in actions for the recovery of money; for damages for injury; to recover possession of personal property; for a fine, penalty, or forfeiture, etc., provided the sum claimed, exclusive of interest, does not amount to three hundred dollars. They have *criminal jurisdiction* of the following public offences committed within their respective counties: petit larceny; assault or battery; breaches of the peace, riots, routs, affrays, committing a wrongful injury to property; and all misdemeanors punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or both (Code of Civil Procedure, 103–115). Justices of the Peace are also *magistrates*, having authority to issue warrants of arrest; to examine the defendant when brought before him; and if due cause be found, to order the accused to be held to answer to the offence charged, and committed to the Sheriff of the county (Penal Code, 806–883).

Constables must attend the courts of Justices within their township; and within their counties, execute, serve, and return all process and notices delivered to them (153) (P. C. 4314). They are governed further by the law regulating the duties of Sheriffs.

Compensation of Justices and Constables is sometimes

by salary, but more frequently by fees. Both salaries and fees are regulated in the County Government Law.

Questions. — What difference in names of townships is noticed between Sacramento and Los Angeles counties? Is there any equality of population among the townships? Find a map of California showing the surveyor's townships. Have these any political significance? If possible, find a map of some county showing the judicial townships. How are their lines determined? Write a full discussion of the township in California, comparing with New England, and pointing out the necessary distinctions. Suppose that on a trip in the country your bicycle is stolen, describe the proper steps to be taken in its recovery, and detail the legal proceedings in the arrest and punishment of the offender. From observation, or from newspaper reports, illustrate the functions of the justice of the peace. (Remember that in cities the criminal jurisdiction detailed above is generally turned over to a police court.)

CHAPTER XIX

MUNICIPALITIES

1. General Form of City Government

Bryce, Chapter XLIX. The Government of Cities. Topics. — Rapid growth of cities. General form of government. Resemblance to state government. Office of mayor. Administrative departments. Education. Municipal legislation. Courts. Elections. Partisanship. Nature of municipal functions. Municipal taxation.

Supplementary Questions. — 1. Answer the following for any city that you are acquainted with: Is the city legislature

made up of two chambers? Do two chambers give better city government than one? Does the mayor have a veto? Does he appoint administrative officers? Are the members of the city council elected by wards? Are the wards of importance in the affairs of the city? Are the elections contested on national party lines? What are the ordinary rates of city taxes? What other revenues has the city? Are the revenues sufficient for the city's needs? 2. What changes or improvements in city government have you heard discussed? Do these topics receive much general attention? 3. Does good city government depend upon the form of the government or upon the character and spirit of the citizens?

Bryce, Chapter L. The Working of City Governments. Topics. — Tests of efficiency of city government. Costliness of city government in the United States. City government a conspicuous failure. Suggestions of the New York commission of 1876 as to causes of failure and remedies proposed. Some signs of recent improvement.

Supplementary Questions. — 1. Answer for some city with which you are acquainted: Do the evils pointed out in the chapter exist? If not, how are they avoided? If so, can they be traced to the causes suggested by the New York commission? Can other causes be discovered? 2. Take up each point suggested as a remedy and discuss its value. Of all these points, which seem to you the most important for good city government? What character and what spirit in the citizens are the foundation of good city government? Can you help toward securing these?

Chapter LI. By Hon. Seth Low. An American View of Municipal Government in the United States. Topics. — Essential difference between American and European

politics. Influences of European immigrants upon American cities. Difficult material problems. Lack of foresight. Mistakes in the form of city charters. Improvements made in the charter of Brooklyn of 1882. Influence of Brooklyn's example. The most serious problem concerns the legislative branch. Reasons for hopefulness for future improvement.

Supplementary Questions. — 1. What new points in regard to the faults of city government are brought out in this chapter? 2. What influence has the Brooklyn charter had upon other cities? 3. How has the government of Brooklyn been changed since 1888? (See charter of Greater New York, 1897.) Was this change a step forward in municipal improvement?

2. The History of Municipal Government

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San Francisco Free Public Library Bulletin, II: 61 (Aug., 1896).

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Brooks. Bibliography of municipal administration, *Municipal Affairs*, I: No. i (Mar., 1897), Reform Club, N. Y.

Hodder. Brief bibliography of municipal government in the United States, Kansas University Quarterly.

In Europe

Stubbs. Constitutional history, III: 602–643.

Chalmers. Local government, ch. v.

Shaw. Municipal government in Great Britain.
Shaw. Municipal government in Continental Europe.
Porritt. The Englishman at home, ch. i.

See also histories of particular cities in Historic Towns Series.

In the United States

Conkling. City government in the United States.
Goodnow. Municipal problems.
Proceedings National Conference for good city government. Published annually from 1894.
Quincy. Municipal history of Boston, chs. iv, v.
Winsor. Memorial history of Boston, vol. III.
Hart. Practical essays, ch. viii.
Moffett. Suggestions on government, ch. vii.
Goodnow. Municipal home rule.
Bancroft. California, I: chs. xvii, xviii (cities in early California).
Sparling. Municipal history of Chicago, Bulletin of University of Wisconsin, No. 23.
Durand. Finances of New York city.

See also histories of particular cities in Johns Hopkins University Studies.

3. City Government in California

Before 1880, cities in California were incorporated by special act of the legislature. Sometimes the name of *town* was used for the smaller places, but without any difference in character. A few of these special charters are still in force (1898). The Constitution of 1879 required the legislature to provide for the incorporation of cities by general laws. The legislature in 1883 passed a

general Municipal Corporation Act (Statutes of 1883), providing charters for cities of six classes, distinguished according to population as follows:

CLASS.	POPULATION.			
Sixth	Between	500	and	3,000
Fifth	"	3,000	"	10,000
Fourth . . .	"	10,000	"	15,000
Third	"	15,000	"	30,000
Second . . .	"	30,000	"	100,000
First	Over 100,000			

But any city of over 3500 inhabitants may frame a charter for itself as provided for in the State Constitution, Art. XI, sec. 8. The following cities have provided themselves with charters in this way, copies of which may be found in the volumes of California Statutes for the years given: Berkeley, 1895, p. 409; Eureka, 1895, p. 355; Grass Valley, 1893, p. 628; Los Angeles, 1889, p. 455; Napa, 1893, p. 641; Oakland, 1889, p. 513 (amendments, 1895, p. 353); Sacramento, 1893, p. 545; San Diego, 1889, p. 643; San Francisco, 1899, p. 241; San José, 1897, p. 592; Santa Barbara, 1899, p. 448; Stockton, 1889, p. 577; Vallejo, 1899, p. 370.

Up to 1895 there were eight corporations under the general law of 1883 as cities of the fifth class, *e.g.* Alameda, Fresno; and sixty-five incorporations as cities of the sixth class, *e.g.* Benicia, Pasadena. For full list see State Blue Book for 1893 or 1895.

Questions and Suggestions. — Obtain a copy of the charter of some city of California, preferably one in which you have lived. Get together any other material giving information in regard to it, — such as maps, census reports, description of industries and trade, schools, etc. Supplement this informa-

tion by inquiry among people acquainted with the affairs of the city. From these sources work out a report according to the following topics:

REPORT UPON THE CITY OF ———

1. Location.
2. Area (exact or approximate) { Legal area within city limits. Area covered with improvements.
3. Population by last census.
4. Leading industries or lines of business.
5. Points in the history of the city (as first settlement, first incorporation, etc.).
6. Outline of organization as shown by present charter.

OFFICERS	DESCRIPTION	POWERS AND DUTIES
I. Mayor or Chief Executive		
II. Other Administrative Officers		
Auditor		
Clerk		
Treasurer		
et al.		
III. Administrative Boards or Commissions		
Police		
Fire		
etc.		
IV. The Council or Legislative Body		
V. Board of Education		

7. General condition of the city.

If these reports can be made out upon a considerable number of cities by different members of the class, comparison may then be made to determine, if possible, a general type. Compare these results with the description of American cities in Bryce, Chapter XLIX. By the use of the references under section 1, similar reports can be made upon Eastern or foreign cities, giving further opportunities for comparison.

Are California cities satisfied with their charters? What evidence is there of a desire to change them frequently either by amendment or by revision? Is this evidence found in the larger or the smaller cities? What is the reputation of city government in California, — in the cities themselves; among people on the outside? What is being done to improve city government? What are the chief difficulties to be overcome? What can you do toward improvement?

4. The Government of San Francisco

San Francisco is the metropolis of the state by reason of its largest population, its greatest wealth in mercantile and banking business, and by reason also of its being the general centre for distribution of merchandise brought by sea. It occupies a unique position in the institutions of the state, being a consolidated city and county. Its individual interests are preëminently municipal; but the usual county affairs of taxation, the judiciary, etc., require the ordinary machinery of county government. Thus its manifold and complicated interests would naturally require a complex organization of government. But this natural complexity was carried to the point of confusion through variety of legislation and judicial interpretation. San Francisco received municipal incorporation by Act of Legislature, approved April 15, 1850. This law was re-

pealed and the city re-incorporated by Act of Legislature, approved April 15, 1851. This charter was amended in 1855, but wholly superseded and the combined city and county government established by Act of Legislature, approved April 19, 1856, and known as the "Consolidation Act." Amendments were piled upon the consolidation act by subsequent legislatures until the adoption of the present state constitution, in 1879, cut off all such special enactments. After 1880 many changes were made in the government of San Francisco by general laws of the state and also by laws general in form (for cities of over a hundred thousand inhabitants), but intended to apply to San Francisco alone. Perplexing conflicts arose from this legislation, producing litigation, the general effect of which was to increase rather than to diminish doubt and confusion. In the meantime repeated efforts were made to replace the outgrown consolidation act, and to rescue the municipality from its administrative confusion by means of a charter. These efforts were ineffectual until 1898, when finally a charter was adopted by the electors of the city, and subsequently approved by the legislature. The record is as follows:

Through the Legislature

1873. Charter prepared by John F. Swift for the executive committee of the Taxpayers' Union. Merely advisory.

1880. Act of the legislature entitled, "An Act to provide for the organization, incorporation and government of merged and consolidated cities and counties of more than one hundred thousand population." Approved April 24, 1880. Declared unconstitutional by the State supreme court in the case of Desmond *v.* Dunn, California Reports, vol. 55, p. 242.

By Boards of Freeholders

1880. Board elected, March 30, 1880. J. P. Hoge, president. Proposed charter signed, June 28, 1880. Submitted to the electors, Sept. 8, 1880. Defeated by vote of 4,145 *For* to 19,207 *Against.*

1882–1883. Board elected, Nov. 7, 1882. John S. Hager, president. Proposed charter signed, Jan. 9, 1883. Submitted to the electors, March 3, 1883. Defeated by vote of 9,336 *For* to 9,368 *Against.*

1886–1887. Board elected, Nov. 2, 1886. Ralph C. Harrison, president. Proposed charter signed, Jan. 31, 1887. Submitted to the electors, April 12, 1887. Defeated by vote of 10,790 *For* to 14,841 *Against.*

1894–1896. Board elected, Nov. 6, 1894. Joseph Britton, president. Proposed charter signed, Feb. 4, 1895. Submitted to the electors, Nov. 3, 1896. Defeated by vote of 14,218 *For* to 15,619 *Against.*

1897, July 27. "Committee of One Hundred" appointed by Mayor James D. Phelan to frame a charter for the advice of the next board of freeholders.

1897–1899. Board elected, Dec. 27, 1897. Joseph Britton, president. Proposed charter signed, March 25, 1898. Submitted to the electors, May 26, 1898. Adopted by vote of 14,386 *For* to 12,025 *Against.* Approved by the legislature, Jan. 19, 1899. In effect as a whole, Jan. 1, 1900.

Questions. — Was San Francisco persevering in the attempt to get a charter? Were the voters very much interested? (Compare the total vote on a charter with the number of registered voters at the time, or with the vote cast in the city for governor or mayor at the same election.) If you can consult a copy of one of the defeated charters, compare it with the charter of 1898–1899. Is the last charter the best? What bearing has this experience of San Francisco upon the question, — can a large city be expected to act wisely in the organization of its own government?

Study of the Charter of 1898–1899

The charter was published for 20 days following March 25, 1899, in the *San Francisco Call* and in the *Daily Report.* It was also published in pamphlet form, and a limited number of copies distributed through the courtesy of the Merchants' Association.

A careful edition with an introduction and annotations by Edward F. Treadwell is published by the Bancroft-Whitney Co., San Francisco. The charter may also be found in California Statutes, 1899, p. 241.

Questions. — Having obtained a copy of the charter answer the following: Is the city divided into wards? What use of the referendum is provided for? How may the electors initiate amendments to the charter? Watch the records carefully to see if these provisions are brought into use. What are the provisions in regard to contracts? the annual budget? the custody of public moneys? What do these provisions indicate in regard to the previous experience of the city? Is the power of appointments centralized in the mayor? What provision is made for the city's ownership of water works, gas works, etc.? Are the principles of the merit system recognized in the civil service of the city?

Using the form given above on page 198 make a complete outline of the organization of San Francisco. For questions of history consult the books given below.

References on the History of San Francisco

San Francisco Free Public Library Bulletin, II: 64 (Aug., 1896), III: 46–48, 58–60 (May, June, 1897).

Bancroft, H. H. California. 7 vols. Index, vol. VII.

Dwinelle. Colonial History of San Francisco.

Royce. California, ch. v (to 1856).

Hittell, T. H. California. 4 vols. Index, vol. IV.

Hittell, J. S. San Francisco.

Moses. Establishment of municipal government in San Francisco. (In Johns Hopkins University Studies, VII: Nos. ii, iii.)

Treadwell. Charter of San Francisco, 1899. Introduction.

Freud. Municipal affairs in San Francisco. (In Proceedings Louisville Conference for Good City Government, 1897: 249–255.)

See also references on the history of California, page 108, above.

PART V

HISTORY AND POLITICS

The work of this division is associated with Part III of Bryce, abridged edition, or with Volume II of the two-volume edition. Pupils will be interested in reading the entire second volume of the unabridged edition. Mr. Bryce's discussions touch the realities of American life at all points and will afford many opportunities to connect the school work with actual observation and experience. The following chapters offer a few suggestive questions and lists of references for historical study.

CHAPTER XX

HISTORY OF POLITICAL PARTIES

1. Bryce, Chapter LII. Political Parties and their History

Questions. — What parties have a national organization at the present time? (See Political Almanacs.) Describe the method of organization, tracing to the foundation in local committees or conventions. What principles does each party stand for? (See Party Platform, last published.) What parties of the present time are to be identified with those existing before 1876? Do these stand for the same principles now as then? Ascertain all that you can of relative party

strength in the whole nation, and in particular regions, by examining the returns published for the last congressional or presidential election. (See Political Almanacs.) Is party spirit on the increase or not? Ought new parties to be formed? How can new parties be formed? Which is wiser for a reformer, to work within an old party or to form a new one?

2. References on the History of Political Parties

(Together with some of the great questions that have divided them.)

To be used by pupils for individual work, — written abstracts and reports, and oral recitation and discussion. As the study of the Webster-Hayne debate is common in high schools, references are given upon the topics therein discussed.

I. Political Parties to 1830

Survey of the origin of parties in national affairs and of the development of party doctrines; the record of the control of the federal government under varying leaders, with the gradual acceptance of party designations.

BIBLIOGRAPHY

Winsor. America, VII: ch. v, end.

Channing and Hart. Guide, §§ 160, 163, 165–167, 169, 173, 176–177, 179.

GENERAL WORKS FOR THE PERIOD

Winsor. America, VII: ch. v.

Lalor. Cyclopedia. Articles on Alien and sedition laws; Anti-federal party; Caucus system; Compromise; Convention, the Hartford; Democratic-Republican party;

Federal party; Kentucky and Virginia resolutions; Party government in United States.

Schouler. United States, I (1789–1801); II (1801–1817); III (1817–1831). Index, vol. V. *Parties.*

McMaster. People of the United States, II–IV. Index to each vol. *Federalists, Republicans.*

Hildreth. United States, IV–VI (1789–1821). Index, vol. VI. *Federalist, Republican, Anti-Federalist.*

von Holst. Constitutional history, I: chs. iii–xi.

Adams. United States, I (1801–1803): chs. vii–xi; II (1803–1805): chs. v–x; III (1805–1807): chs. vi–viii, xv; IV (1807–1809): chs. vii–xii, xix; V (1809–1811): chs. viii–x; VI (1811–1813): chs. vi–viii, xix, xx; VIII (1814–1815): chs. i, xi; IX (1815–1817): chs. iv–vi. See also General Index, vol. IX. *Parties.*

Stanwood. Presidential elections, chs. i–xi.

Young. American statesman, chs. v–xxix.

Johnston. American politics. Index. *Parties.*

Brooks. Short studies in party politics, ch. i.

Patton. Political parties, secs. i–ix.

Hart. Formation of the union. Index.

Walker. Making of the nation. Index.

Morris. Half hours with American history, II: 286–316.

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Boyd. Political history, 271–350.

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Patten. American people, II: 692–726.

Partridge. Making of the American nation, ch. ii.

Tileston. Handbook of administrations.

Ormsby. Whig party, chs. iv–xvii.

Van Buren. Political parties in the United States.
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Ramsay. United States, III: chs. xxxii, etc.

Biographies Containing Portions of Party History

(Many in the American Statesmen Series.)

Morse, John Adams, chs. x, xi. *Wells*, Samuel Adams, III: 294–361. *Morse*, John Quincy Adams, chs. i, ii. *Quincy*, Life of J. Q. Adams, chs. ii, v–vii. *Parton*, Life and times of Aaron Burr, 2 vols. *Lodge*, Life and letters of George Cabot, chs. iii–xiii. *von Holst*, John C. Calhoun, chs. ii, iii. *Stevens*, Albert Gallatin. *Adams*, Albert Gallatin, bks. ii–iv. *Austin*, Elbridge Gerry, II: chs. iv–xi. *Morse*, Thomas Jefferson, chs. viii–xviii. *Parton*, Thomas Jefferson, chs. xli–lxvi. *Lodge*, Alexander Hamilton, chs. v–ix. *Gay*, James Madison, chs. xii–xix. *Rives*, Life and times of Madison, III. *Adams*, Madison and Monroe. *Gilman*, James Monroe. *Roosevelt*, Gouverneur Morris, chs. xii, xiii. *Quincy*, Life of Quincy, chs. iv–xvi. *Adams*, John Randolph. *Garland*, John Randolph, I: chs. xvi–xxxvii; II: chs. vi–xxx. *Shepard*, Martin Van Buren, chs. i–v. *Crockett*, Martin Van Buren. *Lodge*, George Washington, II: chs. i–v. *Everett*, Washington, chs. viii, ix. *Marshall*, Washington, II: chs. v–xi. *Lodge*, Daniel Webster, chs. ii–vi. *Curtis*, Daniel Webster, I: chs. v–xiv.

Particular Topics

Hamilton. United States, IV: chs. lxxi, lxxii (first administration); V: *passim* (Hamilton-Jefferson controversy); VI: *passim* (foreign complications).

Dwight. Hartford convention.

Lawton. American caucus system.

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McMaster. With the fathers, 71, etc. (early politics).

See also special subjects to follow, as Tariff, Bank, etc.

Contemporary Writers

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II. Interpretation of the Constitution

a. Theories of the Constitution

(Channing and Hart. Guide. § 156.)

General

von Holst. Constitutional history, I: 47–63.

Cooley. Constitutional limitations, ch. ii.

Cooley. Principles of constitutional law.

Bancroft. History of the constitution, II: 321–335.

Burgess. Political science, I: 98–108, 142–154.

Hart. Formation of the Union, 133–135.

Crane and Moses. Politics, ch. xi.

Draper. Civil War, I: ch. xv.

Loring. Nullification, etc., chs. ii, iii.

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See also below, — Webster-Hayne Debate.

League and Compact Theory

Stephens. War between the states, I: 116–120, 477–485.

Davis. Rise and fall of confederate government, I: 134–140.

Pollard. Lost cause, 38–41.

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Arguments against the Theory

Cooley. Principles of constitutional law, 25–26.

Wilson. Debates in convention of Pennsylvania. In Elliot's Debates, II: 494–499.

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Instrument of Government Theory

Stephens. War between the states, I: 17–21.

Draper. Civil war, I: 285–286.

Kent. Commentaries, I: 207.

Story. Commentaries, secs. 339, 340, 372.

von Holst. Constitutional law, 43–44, 49–66.

State Sovereignty Theory

Lalor. Cyclopedia, III: 788–800.

Stephens. War between the states, I: 116–147, 465–496.

von Holst. Constitutional law, 39–47.

Davis. Confederate government, I: 141–156.

Hurd. Theory of our national existence, 116–141.

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Webster, in Eliot's Debates, IV: 509–516.

Jameson. National sovereignty. In Political Science Quarterly, V: 193.

Hitchcock. Constitutional development as influenced by Chief Justice Marshall. University of Michigan Political Science Lectures, 1889.

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Calhoun. Works, VI: 107–114.

Davis. Confederate government, I: pt. ii.

b. Doctrine of Implied Powers

General

Morse. Alexander Hamilton, I: ch. xii.

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Dicey. Law of the constitution, lect. iii.

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Patterson. The United States and the states under the constitution, ch. ii.

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(See also Sec. X, below, and Channing and Hart. Guide. § 183.)

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Wise. Seven decades, ch. vi.
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VIII. Political Parties from Jackson to the Civil War

Continuation of party history with the reorganization and new party names after Monroe's time, and new issues such as the policy of Jackson, the war on the bank, tariff and nullification, the rise of the Whigs and their policy, new tariff measures, the slavery crisis, the compromise of 1850, and the great struggle over Kansas.

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XIV. The War Tariffs and Recent Changes

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Consult general works referred to in Section XIII above, as Andrews, Patton, Johnston's American politics, Wilson's Division and reunion, etc. See Index, *Tariff*. Also the following:

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The history of the issue of United States notes, especially under the Act of Congress of 1862; discussions of the financial policy thereof, and the progress toward redemption. Consult the general works referred to in Section XIII above. See Index, *Legal Tender Laws, Greenbacks, United States notes*, etc. Also the following:

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XX. The Navy, Old and New

References to the organization and development of the navy, and its relation to the growth of the nation. See Index, *Navy*.

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CHAPTER XXI

NOMINATING CONVENTIONS

Bryce, Chapter LIII. Nominating Conventions

Questions. — What nominating conventions were held either this or last year in this state? When were the last national conventions held? Report upon the last national convention of each party, stating place, membership, prominent leaders, and work done (see newspaper files). How are convention expenses paid? What cities are the favorites for political conventions? Give instances to prove the commonness of the national conventions in this country for other purposes than politics. What facilities do railroads afford? If possible, visit the session of some county or city convention. Learn all that you can in regard to convention methods, order of business, etc. What order of business has become traditional?

Bryce, Chapter LIV. The Nominating Convention at Work

Questions. — Select some one of the most recent national conventions and from the accounts in the newspapers and magazines, such as the Review of Reviews, report upon the following: What persons were considered candidates before the sitting of the convention? What names were placed in nomination? Describe the position and strength of each person placed in nomination, according to the points suggested in the chapter? How many ballots were taken? How was the result determined? Is the description in the chapter true to life? Does it fit the convention you are studying? How was the selection of the vice-presidential candidate determined? Did the convention carry out the general desires of the party, or did it impose objectionable doctrines or nominees upon the party? Is there any likelihood of nominating conventions being given up? Do men like to attend them? Can conventions be made more reasonable in their methods? Read Dallinger's Nominations for elective office, *Harvard Historical Studies, IV*, and report upon particular topics.

CHAPTER XXII

PUBLIC OPINION

After a careful study of Bryce, Chapters LV–LVII, something may be done in the line of discussion and essay-writing upon such questions or topics as the following: Ought the vote of the vicious and ignorant to have as much weight as that of the wise and good? If this is an evil, is there any remedy? What part should every honest and intelligent man take in the formation

of opinion? What new methods or influences does the nation need for the wiser determining of public questions? The part of the school in the government of the country. How is it possible for men honest in private dealing to condone dishonesty in officials? What is the condition of public opinion in your community?

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